





FEDERAL - STATE ELECTION LAW SURVEY:  
AN ANALYSIS OF STATE LEGISLATION,  
FEDERAL LEGISLATION AND JUDICIAL DECISIONS

PREPARED FOR  
THE OFFICE OF FEDERAL ELECTIONS OF THE GENERAL ACCOUNTING  
OFFICE

BY  
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The Federal-State Election Law Survey is a project sponsored by the Office of Federal Elections of the General Accounting Office and produced by the American Law Division of the Congressional Research Service of the Library of Congress. The Federal-State Election Law Survey comprises major election legislation, both Federal and state, and analyses of various Supreme Court, Federal, and state cases involving election matters. Each month beginning with February 1, a cumulative publication will be issued, a final cumulative edition will be issued in January.

The principal purpose of the Federal-State Election Law Survey is to furnish in the form of a brief analysis the essential provisions of state election laws and important court decisions in the election law field. In regard to federal legislation, the Election Law Survey will provide a brief summary of pending public bills and resolutions dealing with election laws and include more detailed analyses of those bills that have had action. From time to time certain memoranda, reports, and studies in the election law field will be included. It is hoped that these publications will give readers sufficient information concerning what other States, the Federal Government, and the court systems are doing in the election area.

The editors rely on the accuracy, the promptness, and the completeness of the State Legislative Reporting Service of Commerce Clearing House for copies of all state election laws. Unavoidably, there will be a time lapse between the enactment of some laws and their publication in the Election Law Survey. Such laws will appear in a later issue. Should more information be desired by the reader, it might be necessary to contact the state legislature, congressional office, or court involved to get a complete version of the law, bill, or decision. The object of this publication is to give as much quantity, quality, and detail as time and space permit.

Each issue of the Federal-State Election Law survey encompasses the following sections:

Section I. State Session Laws--This section contains summaries of election laws recently enacted by the States. Under each state heading, the Senate bills and resolutions, that have become laws, are listed first followed by the House bills and resolutions; the bills and resolutions are listed in numerical order. After each bill number, there are listed a chapter number--if given--and the date on which the bill was approved and enacted into law.

Section II. Federal Legislation--This section is devoted to an analysis of Federal legislation introduced in Congress and of any action which Congress has taken on such legislation. The bills and resolutions are listed serially and briefly summarized. The major sponsor and the date of introduction follow, along with the Committee to which the measure is referred and any further action taken on it.

Section III. Judicial Decisions--This section has three parts, a part dealing with analyses of U.S. Supreme Court cases dealing with election matters, a part concerning Federal lower court decisions, and a part concerning state court decisions. The analyses gives a brief statement of the holding of the case and analyzes the rationale and the issues involved in the decision including, where appropriate, important concurring and dissenting opinions.

Section IV. Other Election Material--This section includes certain memoranda, reports, and studies in the election field. There are also included analyses of certain State Attorney General opinions concerning election law matters.

Index. All entries relating to legislation and court decisions are indexed.

Preparation of the Federal-State Election Law Survey is the responsibility of the American Law Division of the Congressional Research Service, Library of Congress under contract with the Office of Federal Elections of the General Accounting Office and under the Supervision of Gary L. Greenhalgh, Chief of the Clearing House on Election Administration. Thomas M. Durbin is the Editor; Patricia Ann Fiori is the Co-Editor, Rita A. Reimer, Assistant Editor, and Gloria P. Sugars is the Research Production Assistant. Lester S. Jayson, Director of the Congressional Research Service, Joseph E. Ross, Chief of the American Law Division, and Elizabeth Yadlosky, Assistant Chief, serve as Supervising Editors.



# TABLE OF ABBREVIATIONS

AB-----	Assembly Bill (State)
ACA-----	Assembly Constitutional Amendment (State)
AR-----	Assembly Resolution (State)
C. A.-----	Court of Appeals
Com.-----	Committee
D.-----	District Court
F. 2d-----	Federal Reporter, Second Series
F. Supp.-----	Federal Supplement
HB-----	House Bill (State)
HCR-----	House Concurrent Resolution (State)
H. Con. Res.-----	House Concurrent Resolution (Federal)
HF-----	House File (State)
HJR-----	House Joint Resolution (State)
H. J. Res.-----	House Joint Resolution (Federal)
H. Rept.-----	House Report (Federal)
HR-----	House Resolution (State)
H. R.-----	House of Representatives Bill (Federal)
H. Res.-----	House Resolution (Federal)
LB-----	Legislative Bill (State)
L. W.-----	Law Week
S.-----	Senate Bill (Federal)
SB-----	Senate Bill (State)
SF-----	Senate File (State)
SCR-----	Senate Concurrent Resolution (State)
S. Con. Res.-----	Senate Concurrent Resolution (Federal)

# TABLE OF ABBREVIATIONS CONT'D

SJR-----	Senate Joint Resolution (State)
S. J. Res. -----	Senate Joint Resolution (Federal)
S. Rept. -----	Senate Report (Federal)
SR-----	Senate Resolution (State)
S. Res. -----	Senate Resolution (Federal)
Subcom. -----	Subcommittee
U. S. (in citation to court decisions)-	United States Supreme Court Reports
U. S. C. -----	United States Code
Wn. 2d-- -----	Washington Reporter, Second Series

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## HIGHLIGHTS OF MAJOR ELECTION LEGISLATION

## STATE LEGISLATION

<u>Bill Number</u>	<u>Title or Description</u>	<u>Approved</u>	<u>Act/Chapt. No.</u>
Alaska SB 388	Campaign Financing Act	5/9/74	Chapter 76
Ariz. SB 1138	Campaign Financing And Reporting Act	5/22/74	Chapter 197
Calif. SB 1340	Conflict of Interests And Disclosure Act	3/4/74	Chapter 48
Calif. Proposition 9	Political Reform Act of 1974	6/4/74	
Colo. SB 28	Campaign Reform Act of 1974	5/17/74	
Conn. SB 212	Campaign Financing	5/22/74	
Conn. SB 298	Campaign Expendi- ture Limitations	5/22/74	Public Act 74-198
Conn. SB 401	Campaign Contribu- tion Limitations	5/22/74	Public Act 74-202
Ga. SB 454	Campaign Financing - Disclosure Act	3/5/74	Act 803
Iowa SB 1200	Campaign Financing	4/30/74	
Kan. SB 656	Campaign Finance Act	3/22/74	
Ky. HB 68	Campaign Financing	4/1/74	
Maine HB 2054-x	Campaign Financing	3/26/74	Chapter 756

<u>Bill Number</u>	<u>Title or Description</u>	<u>Approved</u>	<u>Act/Chap. No.</u>
Md. SB 456	Fair Election Practices	4/30/74	Chapter 341
Md. HB 510	Fair Campaign Financing Act	5/31/74	Chapter 729
Md. HB 742	Campaign Financing	4/30/74	Chapter 290
Mass. HB 5300	Corrupt Practices Act	12/5/74	
Mass. HB 5528	Solicitation of Campaign Contri- butions	4/19/74	Chapter 123
Minn. HF 951	Campaign Financing And Disclosure Act	4/12/74	Chapter 470
Mont. HB 1081	Tax Deductions Political Contribu- tions	3/15/74	Chapter 239
Neb. LB 614	Corrupt Practices	3/22/74	
N.J. AB 1246	Amendments to Campaign Financing Act	5/6/74	Chapter 26
N.Y. SB 7626	Registration of Military Voters	2/12/74	Chapter 9
N.Y. AB 12485	New York State Campaigns, Elections and Pro- cedures Law	5/30/74	Chapter 604
N.C. SB 978	Campaign Financing	Ratified 4/11/74	Chapter 1272
Ohio SB 46	Campaign Financing	4/23/74	
Okla. SB 534	Campaign Contribu- tions and Expendi- tures Act	5/4/74	

## STATE LEGISLATION CONT'D

<u>Bill Number</u>	<u>Title or Description</u>	<u>Approved</u>	<u>Act/Chap. No.</u>
R. I. HB 7892	Rhode Island Campaign Contributions and Expenditures Reporting Act	5/29/74	Chapter 298
Wash. SB 3003	Registration Records	2/19/74	Chapter 127
Wash. HB 16	Electronic Voting	2/20/74	Chapter 24
Wisc. SB 5	Campaign Financing	7/9/74	Chapter 334



# FEDERAL LEGISLATION

<u>Bill Number</u>	<u>Title of Description</u>	<u>Latest Action</u>	<u>Public Law</u>
S. 343	Dates for Primaries and Conventions; Election Day as Holiday	Passed Senate 6/27/73;	
S. 352	Voter Registration Mail	Passed Senate 5/10/73	
S. 372	Federal Election Campaign Act of 1973	Passed Senate 7/30/73	
S. 1559	Hatch Act- Manpower Program	Approved 12/28/73	Pub. L. 93-203
S. 2102	Absentee Ballots - Overseas Citizens	Passed Senate 7/18/74	
S. 3044	Campaign Financing - Public Financing	Passed Senate 4/11/74 Passed House Amended 8/8/74 Approved 10/15/74	Pub. L. 93-443
S. Res. 60	Established the Select Committee on Presidential Campaign Activities	Passed Senate 2/7/73	
S.J. Res. 110	Election Reform Commission Act of 1973	Passed Senate 7/30/73	
H.R. 3180	Campaign Financing - Franking	Approved 12/18/73	Pub. L. 93-191
H.R. 6186	Hatch Act - D.C. Elections	Approved 4/18/74	Pub. L. 93-288

## FEDERAL LEGISLATION CONT'D

<u>Bill Number</u>	<u>Title of Description</u>	<u>Latest Action</u>	<u>Public Law</u>
H. R. 6713	District of Columbia Election laws; resi- dency requirement; nominating petitions	Approved 8/14/74	Pub. L. 93-92
H. R. 7612	Clean Election Act of 1973	Hearings Concluded 11/29/73	
H. R. 7645	Campaign Financing - Contributions - Diplomatic Personnel	Approved 10/18/73	Pub. L. 93-126
H. R. 8053	Voter Registration - Mail	Reported H. Rept. 93-778	
H. R. 8410	Presidential Campaign Tax Checkoff	Approved 7/1/73	Pub. L. 93-53
H. R. 16090	Election Campaign Act Amendments of 1974	Passed House 8/8/74  Proceedings vacated, tabled 8/8/74  S. 3044, as amended, passed in lieu, 8/8/74	
H. Res. 279	Campaign Financing - Congressional Committee To Investigate Elections	Passed House 3/15/73	

SECTION I - STATE SESSION LAWS

ALABAMA -----

ALASKA

SB 4, Chapter 1, Approved 6/22/64

Appropriates \$67,100 from the general fund to the Office of the Governor for the use of the lieutenant governor in making the changes in the election system necessitated by the governor's re-apportionment proclamation of December 11, 1973.

SB 388, Chapter 76, Law without Signature, 5/9/74

Campaign Financing Act - Makes various changes in the Alaska Election Code.

Alaska Election Campaign Commission: Sets up an Alaskan Election Campaign Commission in the office of the Lieutenant Governor, to oversee all facets of elections in the state.

Application: Defines "candidate" as "a person who files for election to the state legislature, for governor, for lieutenant governor or for municipal office."

Campaign Treasurers: Requires each candidate and group to appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. Permits a candidate to be his own campaign treasurer.

Expenditures before Filing: Prohibits any political campaign expenditure by a person in an election or by a person or group with his knowledge and on his behalf before the date upon which he files for nomination, except for personal travel expenses or for opinion surveys or polls.

Contributions and Expenditures - Amount and Form of Payment: Prohibits any individual from contributing, other than to his own campaign, in excess of \$1,000 per year to any one candidate. Prohibits cash contributions of over \$100, and cash expenditures of over \$100 unless a written receipt is obtained and filed with the Commission. Prohibits anonymous contributions and expenditures, and states that anonymous contributions shall escheat to the state if the donor cannot be traced.

## STATE SESSION LAWS

### ALASKA CONT'D

Contributions and Expenditures to be Reported: Requires each candidate to make a full report of all expenditures made by or on his behalf, the total amount of all contributions, including all funds he himself contributed, and for contributions in excess of \$100 per year the name, address, and principal occupation of the contributor and the amount contributed by each contributor. Makes similar requirements of groups.

Statements by Contributors: Requires each person or group contributing to a candidate over \$100 in money, goods or services to influence the election of a candidate to furnish the commission with a signed statement itemizing the goods and contributions and stating that the contributor is not a person or group prohibited by law from contributing and that the contribution has not been given or furnished by another person or group. The statement shall be filed not later than 10 days after the contribution and a copy shall be furnished to the candidate or campaign treasurer.

Reporting Requirements: Requires each candidate and group to make a full report of all contributions made to or by the candidate, group or treasurer and all expenditures made by or for the candidate or group during the period ending three days before the date of the report and beginning on the last day covered by the most recent previous report, or, if a first report, all contributions received and expenditures made before three days before the date of the report. The report shall contain the name and address of each person or group contributing, and the date and amount of the expenses incurred. Reports shall be filed one month before the election, one week before the election, ten days after the election, and December 31 of each year for expenditures made and contributions received which were not reported that year. Each contribution or expenditure which exceeds \$250 and which is made within one week of the election shall be reported by date, amount, and contributor or recipient within 24 hours of receipt or expenditure by the candidate or campaign treasurer.

Reports by Suppliers: In an election year, requires all persons, businesses or groups which furnish any of the following services, facilities or supplies to a candidate or group to maintain a record of each furnished transaction; newspaper, radio, television, advertising, billboards, printing, secretarial, public opinion polls, research consulting, media production or preparation, or communication. Reports of such transactions shall be filed with

ALASKA CONT'D

the Commission within 30 days of the date on which the service, facility or supply is to be furnished, and the complete record of such transactions with all candidates and groups shall be filed within 30 days after the election.

Identification of Communication: Requires all advertisements, billboards, handbills, paid-for television and radio announcements and other communications intended to influence the election of a candidate to be signed or identified by the words "paid for by" followed by the name and address of the candidate or campaign treasurer of the candidate or group on whose behalf the communication appears.

Penalties: Makes violation of any provision of this section a misdemeanor punishable by not more than one year in prison or a fine of not more than \$5,000.

Election Pamphlets: States that the lieutenant governor shall mail to all voters of the state before each state general election a candidate pamphlet containing photographs and campaign statements of eligible nominees who desire to participate in the pamphlet. The pamphlet shall also contain statements supporting and opposing each ballot proposition, along with a neutral summary prepared by the Legislative Affairs Agency.

Tax Credit: Permits a taxpayer to take a tax credit not to exceed \$50 for the amount of political campaign contributions, including but not limited to a contribution or gift to a person or organization for use exclusively for political campaigns or dues to a nonprofit organization organized primarily for the purpose of influencing elections made within the tax year.

HB 782, Chapter 38, Approved 4/30/74

Makes various minor changes in the Alaska Elections Code, relating to such things as the designation of precinct polling places, name changes by voters, appointment of election supervisors, etc.

ARIZONA

SB 1071, Chapter 134, Approved 5/9/74

Makes various changes in Arizona Election Laws, including the following:

Rewrites the entire section dealing with absentee ballots. Sets qualifications for obtaining such ballots, registration procedures, ballot formats, etc.

Deletes the requirement that a married woman list "Miss" or "Mrs." beside her name when registering to vote.

Lists new information (full street address and zip code, etc.) to be obtained from those registering to vote.

Sets forth new procedures to be utilized in cancelling registrations.

States that those signing nomination papers must be qualified to vote for the candidate whose papers they are signing.

SB 1121, Chapter 199, Law without Signature 5/22/74

Code of Ethics: Sets forth a code of ethics for public officers and employees, including the following provisions:

- no public officer or employee can represent an individual for compensation before a public agency by which he was employed or on which he served within the preceding 12 months.
- no public officer or employee can disclose or use for his personal profit for a period of 2 years following his term of service any confidential information acquired by him in the course of his duties.
- no public officer or employee can use his office or position to secure personal benefits.
- no public officer or employee can profit from matters pending before the public agency of which he is an officer or employee.

Standards of Conduct: Sets up standards of conduct to be followed by members of the State Legislature.

ARIZONA CONT'D

Financial Disclosure: Sets forth financial disclosure requirements for candidates and incumbents, the first of which is to be filed by 9/31/74, and yearly thereafter by January 31. Requires those appointed to covered positions to file such a statement within 15 days after assuming office. Requires the following information to be disclosed:

- name and address of employer(s), sources of all incomes in excess of \$1,000, and a brief description of the services rendered therefore.
- any financial interest with a fair market value of over \$1,000 at the time of the report (excluding personal banking accounts).
- Arizona real property (excluding personal residence and property held for personal recreation).
- certain debts (including political debts) over \$1,000.
- gifts valued at over \$500, excluding testamentary gifts or political contributions.
- accounts receivable valued at over \$1,000.
- any professional or business licenses held.
- The above information must be provided both for the official or candidate and for members of his immediate family.

Ethics Board: Establishes an eight member Ethics Board, appointed by the Governor. Gives this Board the power to receive and initiate complaints; and, if a violation is found, requires it to be reported to the interested parties, the Governor, and the appropriate law enforcement agency. Also requires the Board to provide various educational and informational services.

Legislative Ethics Committees: Establishes in each House of the State Legislature a Legislative Ethics Committee, to perform such duties as might be provided by the appropriate House.

Application: Defines "public officer" as "all elected and appointed officers of incorporated cities and towns, political subdivisions and the state, including all members of boards and commissions established by charter, ordinance, resolution or statute, but excluding members of the legislature."

ARIZONA CONT'D

SB 1138, Chapter 197, Approved 5/22/74

Campaign Financing and Reporting Act

Report Designating Financial Agent: Before any primary election a candidate shall file a report containing the name and address of every person known to him who has received any contribution on behalf of his candidacy, has made any expenditure on behalf of his candidacy, will expend money on behalf of his candidacy, will collect money on behalf of his candidacy, or will account for these contributions and expenditures as required by law.

Statements of Contributions and Expenditures: Candidates must file not more than 15 nor less than 10 days prior to the primary election, not more than 20 days after the primary, not more than 15 nor less than 10 days prior to the general election, and not more than 30 days after the general election. These statements must contain an itemized account of each amount of money and each thing having a monetary value in excess of \$25 given or contributed, and an itemized account of each expenditure. Statements must also include the name and address of each contributor, regardless of whether the contribution was made by an individual or otherwise.

Campaign Committees must file reports similar to those listed above.

Limitation of Expenditures: 10 cents for each person residing in the district or area in which the public office is sought, based upon the population of such district or area as last determined by the Bureau of the Census, or \$500, whichever is higher. This amount can be spent in the primary and again in the general election.

Penalties are set forth for exceeding the campaign expenditure limit, failing to file reports, or filing false reports.

S. C. R. 1003, Approved 2/20/74

States that questions upon bond issues or special assessments must be submitted to all qualified electors of the subdivision involved, and requires the number of qualified electors voting upon such a question to equal or exceed 10% of the voters of the subdivision 1 as of the 50th day preceding the date of the Article 7, §13 of the Arizona Constitution.



## STATE SESSION LAWS

### ARIZONA CONT'D

S. C. R. 1022, Adopted 11/5/74

Relates to recall; provides that a recall election be held as provided by law.

HB 2087, Chapter 54, Approved 5/1/74

Changes the date of election for common councils from the 4th Monday in May to the 3rd Tuesday in May every two years. (Amends §9-231 of the Arizona Revised Statutes.)

### ARKANSAS -----

### CALIFORNIA

SB 116, Chapter 116, Approved 9/23/74

Repeals and reenacts Chapter 1.5 of the California Elections Code, dealing with the Democratic Presidential Primary.

SB 509, Chapter 979, Approved 9/20/74

Makes the following changes in the California Elections Code, relating to candidate and committee reporting requirements:

- (1) Requires committees not domiciled in the state to file two copies of their campaign statements with the registrar - recorder of Los Angeles County.
- (2) States that a candidate for County Central Committee must file a campaign statement within 38 days following the election, but need not file any additional statements unless he has received contributions for that election.
- (3) Makes penalties for late filing discretionary rather than mandatory. However, makes such a fine mandatory if a late filer fails to comply after reasonable notice is given.

Amends §§11554 and 11604 and adds §11560.5 to the California Elections Code.

STATE SESSION LAWS

CALIFORNIA CONT'D

SB 1033, Chapter 1189, Approved 9/23/74

Removes the prohibition against election of Democratic County Central Committees from county central committee districts in counties having 20 or more Assembly districts. Repeals §1 of §8660 of the California Elections Code.

SB 1340, Chapter 48, Approved 3/4/74

Moscone Governmental Conflict of Interests and Disclosure Act -  
Revises certain provisions of the Governmental Conflict of Interests Act relating to conflicts of interest and financial disclosure by certain public officials. Makes various technical amendments to §§3600, 3601, 3625, 3626, 3627, 3700, 3701, and 3753 of the California Government Code.

Legislative Findings - One of the purposes of this Act is to assure that no official will have economic interests which are in substantial conflict with the proper exercise of his official duties and powers.

Public Official - Provides that "public official" may mean any elective or appointive officer of any public agency.

Source of Income - Provides that "source of income" means the business entity or activity of the official which earned or produced the income.

Former Officials - Provides that the section dealing with conflicts of interest of former officials shall not apply to a former official who left office or employment prior to January 1, 1974. Also provides that that section shall not apply to a former public official who served without compensation, other than expenses, on a purely advisory board, commission, or committee.

SB 1507 (AB 1690), Chapters 1410 and 1445, Approved 9/26/74

STATE SESSION LAWS

CALIFORNIA CONT'D

SB 1576, Chapter 154, Approved 4/4/74

Provides that whenever a special election, or a special primary election, to fill a vacancy in Congress is consolidated with a state-wide election, the candidates to fill the vacancy shall appear on the consolidated ballot immediately preceding the candidates for that same seat in Congress at the state-wide election or the clerk at his option may print a separate and distinct ballot. Amends §7201 of the Elections Code; adds §7204 to the Elections Code.

Increases membership of Democratic and Republican county central committees in a city and county from 6 to 8 and specifies that in an Assembly district that lies only partially within a city and county, the eight members shall be elected from that portion of the Assembly district contained within the city and county. Amends §8823 of the Elections Code.

SB 1610, Chapter 230, Approved 5/8/74

Registration of high school students - Provides that the last two full weeks in April and the last two full weeks in September shall be known as "high school voter weeks," during which time deputy registrars of voters shall be allowed to register students and school personnel on any high school campus in areas as designated by the school administration which are accessible to all students.

SB 1669, Chapter 293, Approved 5/31/74

States that no candidate who files for an office may withdraw his petition for that office after the deadline for filing. Amends §23512 of the California Elections Code.

SB 1693, Chapter 954, Approved 9/20/74

Authorizes cities and counties to limit campaign expenditures or contributions in municipal or county elections, respectively. Adds §§22004 and 22808 to the Elections Code.

SCR 141, Chapter 107, Adopted 6/28/74

Continues the Joint Committee For Revision of Elections Code and its advisory committee in existence until December 31, 1975.

## STATE SESSION LAWS

### CALIFORNIA CONT'D

#### AB 404, Chapter 116, Approved 4/1/74

Requires library district elections in unincorporated towns and villages to be held at the same time as school district elections.

Provides for implementing changes in dates of election and in the dates of the commencement and termination of the terms of office of such library district trustees.

Provides that a general district election need not be held on the 1st Tuesday after the 1st Monday in November in each odd-numbered year to choose a successor for each elective office the term of whose office will expire on the following last Friday in November, if the principal act of a district provides that an election shall be held on one of the other dates specified by statute providing 3 regular election dates in each even-numbered year and 2 in each odd-numbered year. Amends §23509 of the Election Code.

#### AB 483, Chapter 233, Approved 5/8/74

Recall petitions - Repeals existing provisions relating to the required contents of petitions to recall state officers and the required period of circulation of such petitions.

Establishes procedure for recall of state officers including requirements for the circulation of recall petitions, the contents and form of petitions, the certification of petitions, the contents of the recall ballot, and the nomination of persons seeking the office of the officer sought to be recalled.

Requires Secretary of State, upon receipt of a recall petition signed by the necessary number of voters, to transmit to the clerk of every county or city and county, in addition to his certificate that a petition has been signed by the requisite number of qualified electors, the total number of signatures secured by the proponents of the petition.

Permits cities and counties to reimburse an officer not recalled for his recall election expenses legally and personally incurred.

To take effect upon the adoption by the people of Assembly Constitutional Amendment No. 29 [see p. 14].

## STATE SESSION LAWS

### CALIFORNIA CONT'D

#### AB 531, Chapter 27, Approved 2/22/74

Provides for the posting of names of candidates for delegate at the presidential primary rather than mailing to voters with sample ballot. Provides that there are no state-mandated local costs requiring the reimbursement of any local agency. Amends §§6172 and 10010 of the elections Code.

#### AB 765, Chapter 74, Approved 3/14/74

Revises requirement that a woman's name be preceded by a prefix Miss or Mrs. in voter registration and precinct index to include prefix Ms.

Incorporates provisions recognizing right of persons 18 years of age and older to vote. Amends §§310, 321, and 450 of the Election Code.

#### AB 774, Chapter 499, Law without Approval 7/12/74

Places on the November 1974 ballot each constitutional amendment proposed by the Legislature during the 1973-74 regular session which was adopted no earlier than June 9, 1974, and no later than June 28, 1974. Sets forth procedures to be followed in preparing each amendment's title, analysis, and pro and con arguments for use in the ballot pamphlet.

#### AB 914, Chapter 454, Approved 7/11/74

Provides for filing of petitions signed by specified number of registered voters of the area to be represented in lieu of filing fee for candidates for elective public office.

Provides, for example, that a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee as follows:

- (1) For the office of California State Assembly, 1,500 signatures.
- (2) For the office of California State Senate and the United States House of Representatives, 3,000 signatures.
- (3) For candidates running for state-wide office, 10,000 signatures.

- (4) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he seeks nomination is 2,000 or more, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 10 percent of the total of registered voters in the district in which he seeks nomination, whichever is less. Amends §6555 of the Elections Code.

AB 959, Chapter 681, Approved 9/6/74

Requires every simulated ballot or simulated sample ballot to contain a statement that such ballot or sample ballot is not official. Prohibits the use of the official seal or insignia of a public entity on any such ballot or its envelope. Adds §§12058 and 12059 to the California Elections Code.

AB 1523, Chapter 10, Approved 1/31/74

Provides for the placing of constitutional amendments on the ballot at the primary election to be proposed by Assembly Constitutional Amendment No. 76 of the 1973-1974 Regular Session of the Legislature to be held June 4, 1974.

AB 2692, Chapter 329, Approved 7/11/74

Provides that Republican nominee at special primary election, as well as Republican nominee at the direct primary election, is a delegate to the Republican State Convention. Amends §9011 of the Elections Code.

AB 2728, Chapter 109, Approved 3/26/74

Removes requirement that ballot designation be identical to designation in candidate's affidavit of registration as a voter, and procedure for revising latter designation upon 3-day notice to so conform or lose ballot designation.

Provides that the officer charged with providing sample ballots for an election at which absentee ballots may be cast, must have printed on the envelope containing the sample ballot the admonition to the voter to notify a specified person by a specified date to get information about the right to cast an absentee ballot, if such voter is unable to vote in person, instead of requiring such officer to have printed such admonition for the voter to promptly notify such specified

CALIFORNIA CONT'D

person for such absent ballot voting information in case of the voter not being able to vote in person. Amends §§10020, 10219, and 10301 of the Election Code.

AB 2913, Chapter 691, Approved 9/6/74

Permits a voter who because of a physical handicap is unable to get to the polls or unable to gain access to the polling place, voting booth, or voting apparatus or machinery to vote by absentee ballot. Amends §§14800 and 14801 of the California Elections Code.

AB 3112, Chapter 1543, Approved 10/9/74

Relates to duties of elections officials in connection with the filing and verification of nomination petitions. Sets new requirements for the format of these petitions. Amends §§46, 3511, and 3520; adds §3520.5; and repeals §3522 of the California Elections Code.

AB 3191, Chapter 158, Approved 4/5/74

Provides for warning on ballot and related election materials when two or more candidates with identical names file for the same office. Requires each candidate's name to bear an identifying mark if any such candidate requests such a mark. Adds §10344 to the Elections Code.

AB 3310, Chapter 945, Approved 9/19/74

Requires county clerks to include with the sample ballot an application for an absent voter ballot. Adds §14621.3 to the California Elections Code.

AB 3714, Chapter 1105, Approved 9/23/74

Revises provisions for a candidate's statement of qualifications to allow local agencies to authorize an increase of the word limit from 200 to 400 words and to adopt regulations for inclusion of other materials prepared by a candidate in the sample ballot package. Amends §10012.5 of the California Elections Code.

AB 4127, Chapter 858, Approved 9/18/74

Provides that original campaign statements filed with the Secretary of State shall be preserved indefinitely, and copies filed with other

## STATE SESSION LAWS

### CALIFORNIA CONT'D

elections officers shall be preserved for at least 4 years following December 31 of the year in which filed. Sets up procedures for preserving photographic reproductions of the statements in offices where copies are maintained.

Specifies that election clerks may use copies of affidavits of registration for checking petition signatures.

Adds §5352 and amends §11583 of the California Elections Code.

Assembly Constitutional Amendment No. 29, Adopted by Voters 11/5/74

Repeals existing and enacts new Article XXIII of State Constitution, relating to recall of elective Public officers and election of successors in event of recall.

Assembly Constitutional Amendment No. 38, Approved 6/26/74, Adopted by Voters 11/5/74

Proposes an amendment to the California Constitution which would delete provisions requiring the forfeiture of the right to vote for conviction of an infamous crime, embezzlement, misappropriation of public money, bribery, perjury, forgery, malfeasance in office or other high crime. It would also delete the provision excluding severely mentally deficient and insane persons from those having the right to vote, and add a provision requiring the disqualification of electors while mentally incompetent or while imprisoned or on parole for conviction of a felony.

Assembly Concurrent Resolution 237, Chapter 225, Adopted 8/31/74

Directs the Joint Committee for the Revision of the Elections Code to hold hearings on the advisability of limiting the number of ballot propositions at any state-wide election, and to report its findings and recommendations to the Legislature on or before June 30, 1975.

Proposition 9, Adopted 6/4/74

Political Reform Act of 1974 - Adds Title 9 to the Government Code and Repeals Division 8 of the Election Code.

Application - Applies only to state candidates and not to federal candidates.



CALIFORNIA CONT'D

Fair Political Practices Commission - Establishes the Fair Political Practices Commission which shall be composed of five members to enforce the provisions of Proposition 9. Provides that no more than three of the members can be from the same political party and that the attorney general, secretary of state, and controller each appoint one member. The Commission is to investigate charges of possible violations of the Political Reform Act on the part of agencies, public officials, and candidates. It may subpoena records and witnesses, issue cease-and-desist orders, and levy fines up to \$2,000.

Campaign Disclosure - Provides that every committee shall have a treasurer and shall file with the Secretary of State a statement of organization within 10 days after it is formed as a committee. Provides that, in every campaign for elective office, at all levels of government, reports of all contributions and expenditures must be filed if at least \$500 is raised or spent. The specified times when the reports are due are as follows:

1. Candidates and committees must report 40 and 12 days before the vote and 65 days after.
2. Proponents of ballot measures must report 65 days after qualifying their measure.
3. Committees supporting or opposing ballot measures must report 35 and 7 days before the election and 70 days after.
4. Elected officials must report every six months while in office.

The reports must identify all contributors of \$50 or more by name, address, occupation, and employer's name, the amount given each time and cumulatively. Provides that persons receiving \$50 or more and the services they render must also be identified.

Limitations On Expenditures - Provides that aggregate expenditures by a state-wide candidate, his agents and controlled committees during the five months shall not exceed the following amounts, adjusted in all years after 1974 for cost of living changes and using the 1973 estimate of 14 million voting-age persons;

1. Governor - 7 cents per voting-age citizen (\$980,000) in the primary and 9 cents in the general election (\$1,260,000).
2. Lieutenant governor, secretary of state, attorney general, controller, treasurer, superintendent of public instruction - 3 cents per voting-age citizen (\$420,000) in the primary and again in the general.

CALIFORNIA CONT'D

3. Incumbents seeking reelection to state-wide office - 10 per cent less than their challengers' limits.
4. Independent committees - \$10,000 maximum.
5. Initiative qualification - No more than 25 cents times the number of signatures required may be spent (\$81,376) to qualify state-wide measures such as this.
6. Ballot-measure campaigns - Expenditure limits over \$10,000 will be set by the Fair Political Practices Commission. Expenditures for both sides may not exceed the lesser of the following: 8 cents times the voting-age population (\$1,120,000) or \$500,000 more than the amount approved by the Commission to be spent by one side.

Lobbyists - Provides that any person employed or retained as a lobbyist shall register with the Secretary of State before doing anything to influence legislative or administrative action. Prohibits lobbyists from making contributions or gifts exceeding \$10 a month. Requires lobbyists to open separate accounts to handle lobbying funds. Provides that all payments received for their activities must be reported periodically. The reports must also include deposits and expenditures in the lobbying account, expenditures of \$500 or more in one year made to any business in which a public official or candidate holds an interest. Provides that those who hire lobbyists or who spend at least \$250 a month to influence legislative or administrative decisions must report expenses over \$25, gifts to officials, candidates or members of their families, business transactions exceeding \$1,000 with firms in which an official or candidate has ownership, and the date and amount of political contributions.

Conflicts of Interest - Requires elected state officers, members of the board of supervisors and chief administrative officers of counties, mayors, city managers, chief administrative officers and members of city councils, and candidates for any of these offices to disclose financial holdings that present a potential conflict with their official responsibilities. Provides that disclosure must be made before assuming office, periodically while serving, and on leaving office. Provides that all statements shall include:

1. Any investments worth at least \$1,000, indicating whether their value exceeds \$10,000 or \$100,000.
2. Income totaling \$250 or more in 12 months, indicating if it exceeds \$1,000 or \$10,000; any gifts valued at \$25 or more, with the name, address, and a general description of each source.

CALIFORNIA CONT'D

3. Income from businesses, if more than \$1,000 was received for legal or brokerage services, or \$10,000 for other businesses.

Incumbency - Provides that the order of names of candidates on the ballot in every election shall be determined without regard to whether the candidate is an incumbent. Provides that no legislative newsletter or other mass mailing shall be sent at public expense by or on behalf of any elected state officer after the elected state officer has filed a declaration of candidacy for any office.

Auditing - Provides that the Franchise Tax Board shall make audits and field investigations with respect to reports and statements filed with the Secretary of State relating to campaign disclosure and lobbyists. Provides that audits and investigations of all lobbyists shall be performed annually and shall cover all reports and statements filed since the previous audit and investigation.

Enforcement - Provides that any person who knowingly or willfully violates any provision of the Act shall be guilty of a misdemeanor. Provides that, in addition to other penalties provided by law, a fine of up to the greater of \$10,000 or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.

COLORADO

SB 28, Approved 5/17/74

Campaign Reform Act of 1974 (Adds a new Article 27 to Chapter 49 of the Colorado Revised Statutes).

Candidate Affidavits: Requires an individual within 10 days after becoming a candidate to certify by affidavit that he is familiar with the provisions of this article.

Organization of Political Committees: Every political committee supporting or opposing a candidate, state-wide issue, or issue shall file a statement of organization no later than 15 days after opening a bank account. The statement shall include the name, address, the candidate or issue it supports or opposes, and any other purpose of the committee, along with the name and address of the campaign treasurer.

## COLORADO CONT'D

Deposit of Contributions: All contributions received by a candidate or political committee shall be deposited in a financial institution in a separate account whose title shall include the name of the candidate or political committee.

Financial Reports: The campaign treasurer shall file reports of all contributions received and all expenditures made by or on behalf of a candidate or political committee 11 days before and 30 days after any election. Filings shall be complete as of five days prior to the filing date and shall include the following information: (1) the amount of funds on hand at the beginning of the reporting period; (2) the name and address of each person who made an aggregate contribution to or for the candidate or political committee within the reporting period in excess of \$25, or a contribution in kind including the name and address of each contributor; (3) the total sum of all contributions and contributions in kind to the candidate or political committee during the reporting period; (4) the name and address of each person to whom expenditures were made within the reporting period in excess of \$25, together with the amount, date, and the purpose of each such expenditure and the name of and the office sought by each candidate on whose behalf such expenditure was made; (5) the total sum of all expenditures made by the candidate or political committee during the reporting period; and (6) the name and address of any bank or depository used by the candidate or political committee.

Unexpended Contributions: Any report filed as above shall be final unless it shows an unexpended balance of contributions or expenditure deficit, in which event a supplemental report shall be filed after until such report shows no such unexpended balance or deficit.

Loans reasonably related to a campaign must also be reported as above.

Any incumbent in public office who receives any contribution or contribution in kind from any other person, the purpose of which is to compensate him for his public services or to help him defray his expenses incident thereto but which are not covered by official compensation, shall file on or before January 15 of every year a supplemental report for the preceding calendar year, listing substantially the same information described above.

Reporting Requirements - Persons: Not less than 11 days before an election and not more than 30 days after the date of any election, each person who makes any expenditure, directly or indirectly,

COLORADO CONT'D

in an aggregate amount exceeding \$100 in support of or in opposition to any specific candidate or issue, other than by contribution or contribution in kind to a candidate or political committee directly, shall file an individual statement of the expenditure listing the dates and amounts of all such contributions, the persons to whom made, and the purposes of them.

Cash Contributions and Expenditures: Prohibits cash contributions and expenditures in excess of \$100.

Municipal Candidates for offices which pay \$100 per month or less must file itemized statements listing contributions and expenditures no later than 11 days before and 30 days after the election with the municipal clerk. All others must file as detailed above.

State and Political Subdivisions - Limitations on Expenditures: Prohibits agencies, departments, boards, divisions, bureaus, commissions, or councils of the state or a political subdivision from making any contribution or contribution in kind in campaigns involving the nomination, retention or election of any person to any public office. They may make contributions in campaigns involving only issues in which they have an official concern, provided these are specifically approved by the governing board or legislative body of the political subdivision involved, no public funds or supplies are expended or used, and no employee or paid officer shall work on a campaign during working hours or use any public facility or equipment in a campaign during working hours.

Campaign Funds - Use Restricted: Contributions must not be used for any private purposes not reasonably related to influencing the passage or defeat of any issue, or the nomination, retention, election, or defeat of any candidate, or to voter registration or political education.

Political Advertising: Prohibits candidates from paying any radio or television station, newspaper, periodical, or other supplier of materials or services a higher charge than that normally required for local commercial customers for comparable use of space or materials or services. These rates shall not be rebated, either directly or indirectly.

Penalties for violating various provisions are set forth.

## COLORADO CONT'D

### HB 1113, Approved 3/21/74

Purging of voter registration records - Provides that, forty-five days after any general election, the county clerk and recorder shall compare the pollbook of electors who voted at the general election with the registration book for such election. Provides that the recorder shall notify each elector who failed to vote, stating that the name of such elector will be purged from the registration book unless he requests a continuance of his registration in the county. Amends §49-4-21 of the Colorado Revised Statutes.

Deceased electors - Provides that the county clerk and recorder shall purge the registration book of the name of any elector who is deceased and of which the county clerk and recorder has received notice. Adds §49-4-33 to the Colorado Revised Statutes.

## CONNECTICUT

### SB 18, Public Act 11, Approved 3/15/74

The act eliminates the requirement that justices of the peace be listed on the ballot by party slates. It changes the maximum number of justices that may be elected, from one-third the number of jurors to which a municipality is entitled by statute, to thirty, except for Berlin, Darien, and Stamford where a maximum number of twenty-two is established. It eliminates current exceptions to the maximum number for Waterbury, Trumbull, Meriden, and Litchfield. It removes a prohibition against write-in voting and split ticket voting for this office.

### SB 23, Public Act 74-25, Approved 3/29/74

Shortens the campaign period for all state and district offices, as follows:

- (1) Upon receipt of a proper application for an absentee ballot, it shall be given or mailed to the applicant beginning the twenty-first day before the primary election in which it shall be used.
- (2) State or district conventions held to endorse candidates for state or district offices to be voted on at a state election shall be convened not earlier than the 54th day and closed not later than the 47th day preceding the day of the primary election for such office.

CONNECTICUT CONT'D

(3) The secretary of any such convention shall prepare an accurate list of the candidates endorsed at the convention, as well as those receiving at least 20% of the vote taken for any such endorsement, which shall be delivered to the Secretary of State by the Chairman of the convention not later than the 46th day before the primary.

(4) Each endorsement of a candidate to run in a primary for the nomination of candidates for municipal office or for the election of town committee members or delegates to conventions shall be made not earlier than the 42nd day nor later than the 39th day preceding the primary.

(5) Candidacies of persons other than party-endorsed candidates for nomination by a political party to any state or district office shall be submitted to the registrars not later than four o'clock p.m. on the 32nd day preceding the primary.

(6) registrars shall file with the Secretary of State a certified list of candidates for election by the 28th day preceding the primary.

(7) Candidacies of persons other than party-endorsed candidates for nomination by a political party to any municipal office or for election as town committee members or delegates to conventions shall be filed with the registrar not later than four o'clock p.m. on the 25th day preceding the primary.

(8) Primaries for nomination to an office of the party whose candidate for governor polled, under the designation of that party, the highest number of votes for governor at the last preceding election for governor shall be held on the 54th day preceding the election. Primaries of any other party or parties shall be held on the 56th day preceding the day of the election.

SB 84, Public Act 109, Approved 5/6/74

The act provides for the nomination, instead of election, of justices of the peace and changes the method by which an extra justice is selected in municipalities where the total to be nominated is an odd number.

SB 131, Public Act 74-197, Approved 5/21/74

Allows municipal legislative bodies to create municipal voting districts which cross congressional, senatorial or assembly district lines. (Amends §9-169 of the Connecticut General Statutes.)

CONNECTICUT CONT'D

SB 212, Approved 5/22/74

Relates generally to public disclosure of campaign contributions and expenditures.

Continuing Political Committee - Defines "continuing political committee" to mean state central committees, town committees, district, ward and borough committees which have a continuing existence independent of any primary, election or referendum, except non-profit organizations which have tax exempt status.

Campaign Treasurers - Requires each candidate to designate a principal campaign treasurer to be responsible for receiving contributions, receiving and coordinating reports of all contributions made or promised to each campaign treasurer and receiving from each such campaign treasurer the contributions themselves, making all expenditures and filing the itemized sworn statements required under this Act.

Statement of Money Received - Provides that each principal campaign treasurer and each campaign treasurer of a political committee shall file an itemized sworn statement which shall include but not be limited to the amount of money or property in each case received or promised, if any, the full name and address of the person from whom it was received or by whom it was promised, provided contributions from a single individual to a campaign treasurer or principal campaign treasurer in the aggregate of \$15 or less need only be identified by the full name and town, city or borough of residence of the contributor. Provides that the principal campaign treasurer of each candidate shall send to such candidate, by certified mail, a duplicate of such statement.

Corrupt Practices - Provides that any person who offers or receives a cash contribution in excess of \$50 to promote the success or defeat of any political party, candidate, referendum question or question to be voted upon at any election, shall be guilty of corrupt practices.

Depository - Provides that the principal campaign treasurer of each candidate and the campaign treasurer of each political committee or continuing committee shall deposit contributions received by him, within 7 days of such receipt, in the depository whose designation is on file with the Secretary of State.



CONNECTICUT CONT'D

Statement of Contributions and Expenditures - Provides that each principal campaign treasurer and each campaign treasurer of a political committee shall periodically file with the Secretary of State a sworn statement which shall include an itemized accounting of each contribution, including the full name and complete address of each contributor and the amount of the contribution, and an itemized accounting of each expenditure, including the full name and complete address of each payee, the amount of the expenditure, and the purpose of the expenditure.

Constitutional Amendments - Provides that no contributions may be solicited or received and no expenditures may be made in aid of or in opposition to any political party, constitutional amendment, or question to be voted upon at any state election unless the designation of a campaign treasurer of a political committee or of a continuing political committee has been filed and unless the chairman or the secretary of a political committee or continuing political party in aid of or in opposition to such political party, constitutional amendment, or question has filed with the Secretary of State a designation of a bank situated in the State as the depository for campaign funds.

SB 297, Public Act 96, Approved 4/4/74

The act established a uniform penalty for violation of the absentee balloting laws. This penalty is the same as that prescribed for a Class D felony, which is punishable by a maximum fine of \$5,000 or imprisonment for from one to five years or both.

SB 298, Public Act 74-198, Approved 5/22/74

Sets limitations on campaign expenditures, as follows:

- (1) Candidates for governor, sheriff, state senator and state representative: 15 cents for each person residing in the voting district or districts in which the election for such office is held. In addition to this amount, 45% of this sum can be spent in a primary campaign.
- (2) Candidates for lieutenant governor, secretary of state, treasurer comptroller, or attorney general: one half cent for each person residing in the voting district or districts in which the election is held. In addition, 45% of this amount can be spent in the primary campaign, if such primary is held in conjunction with the primary for governor; otherwise, 3 times this amount can be spent in the primary.

CONNECTICUT CONT'D

SB 301, Public Act 74-292, Approved 5/22/74

Sets the following limitations on campaign contributions by an individual:

- (1) Governor: \$5,000 - general election \$2,000 - primary election.
- (2) Lieutenant governor, secretary of state, treasurer, comptroller, attorney general or sheriff: \$1,500 - general election; \$500 - primary election.
- (3) State senator: \$500 - general election; \$250 - primary election.
- (4) State representative: \$250 - general election; \$200 - primary election.

Permits a candidate to contribute to his own campaign an amount up to three times those listed above in the primary and again in the general election.

Prohibits contributions to the state central committees in any one calendar year in excess of \$5,000, or \$1,000 to a town committee of any political party or any other political committee. States that the maximum cumulative contribution to a committee or committees is \$5,000 in any one calendar year.

States the total sum which may be borrowed on behalf of any candidate shall not exceed three times the sum which the candidate himself may spend for the benefit of his own campaign.

Sets forth various penalties for the violation of these provisions.

HB 5101, Public Act 2, Approved 3/15/74

The act clarifies the number of signatures required on a primary petition for an office with multiple openings by defining "votes cast for the same office at the last preceding election" to mean the total number of electors voting at the election held when the office last appeared on the ballot.

CONNECTICUT CONT'D

HB 5155, Public Act 312, Approved 5/29/74

The act limits authorization to mail an absentee ballot to the elector or his designee in cases where an absentee ballot is cast because of illness or physical disability. Only physicians, nurses, personal caretakers and family members can be designees. If no such person consents or is available, then a police officer or assistant registrar of voters or one of his deputies can be designated to mail the ballot.

The act prohibits any one except the following persons from possessing an absentee ballot or ballot envelope: the elector to whom it was issued, the Secretary of the State or his or her authorized agents, the official printer of the ballot and his designated carriers, the U. S. Postal Service or any other carrier designated by the Secretary of State to carry absentee ballot forms to municipal clerks to receive the forms on their ballot, authorized election officials, and any other person authorized by the General Statutes to possess absentee ballots or envelopes.

HB 5227, Public Act 74-29, Approved 4/8/74

Permits registrars of voters and their deputies to take the acknowledgement of affidavit required of all prospective voters. (Amends §9-56 of the Connecticut General Statutes.)

HB 5469, Public Act 74-213, Approved 5/22/74

Creates a State Elections Commission and makes various minor changes in Connecticut election laws. Permits, in the case of a testimonial affair held after the election for which the person was a candidate, the itemized receipt and expenditure statement to be filed 15 days after the date of the affair.

HB 5553, Public Act 74-141, Approved 3/8/74

States that, in compiling the required list of absentee voters, the clerk shall note beside each name the applicant's voting address, his bona fide mailing address, if different from his voting address, and the reason given for requesting an absentee ballot. Amends §9-140 of the Connecticut General Statutes.

CONNECTICUT CONT'D

HB 5721, Public Act 74-139, Approved 5/8/74

States that petition forms for candidates for nomination to municipal office shall not be circulated until after the party-endorsed candidates, if any, have been certified by the town clerk. Amends Section 10-10 of the Connecticut General Statutes.

HB 5722, Public Act 74-154, Approved 5/9/74

Permits registrars to designate a polling place in an adjacent voting district when this is necessary to avoid hardship to voters.

HB 5993, Public Act 74-227, Approved 5/23/74

Permits immunity from prosecution to be granted in certain instances to witnesses in cases of election violations. Amends §54-47a of the Connecticut General Statutes.

DELAWARE

SB 194, Approved 1/22/74

Provides that, for the purpose of determining whether a person offering to vote at a school board election is in fact the person he claims to be and is qualified to vote, an election official shall be entitled to ask any person offering to vote to produce reasonable identification of himself. Amends Section 1078, Chapter 10, Part 1, Title 14 of the Delaware Code.

SB 629, Chapter 559, Approved 7/26/74

Requires voters in a town election in the Town of Bowers to be registered at least 30 days prior to the election in which they wish to vote. Amends Chapter 279, Volume 53, of the Laws of Delaware.

HB 822, Approved 7/30/74

Campaign Financing and Disclosure Act of 1974. Adds a new Title VI to Title 15 of the Delaware Code.

Applicability: Applies to any person who seeks nomination for election to an office which is required by law to be determined by

DELAWARE CONT'D

an election, and who has taken action necessary under the law to qualify for nomination or has authorized the solicitation or any contribution or the making of any expenditure in his behalf. Does not apply to elected school boards which pay no salaries, town or city councils which pay no salaries, or any elective office which pays less than \$1,000 per year.

Candidate Responsibilities: Requires each candidate to compile and maintain full and complete financial records for one year following the election. Makes the candidate personally responsible for keeping the records and filing the reports required by law.

Requires political committees to file a list of members with the State Election Commissioner. Holds the Committee treasurer responsible for compiling and maintaining the required records and filing the necessary reports.

Limitations on Contributions: Limits individual contributions (other than by a candidate or his family) to any candidate, including political committees supporting the candidate, to \$1,000 for a single state-wide election or \$500 for an election other than state-wide.

Limits candidate contributions, including contributions by members of the candidate's family, to \$5,000.

Prohibits cash contributions over \$100, anonymous contributions, and contributions in a fictitious name.

Prohibits contributions in excess of \$100 without the specific written approval of the candidate.

Enumerates lawful campaign expenditures.

Requires campaign literature or advertising to have an attribution clause.

Limitation on Expenditures: Sets the following limits on campaign expenditures:

Primary Election:

State-wide Office: 25 cents times the total number of persons in the state registered to vote in the most recent presidential election.

STATE SESSION LAWS

DELAWARE CONT'D

Senate: 25 cents times the total number of persons registered to vote in the senatorial district at the most recent general election, or \$4,000, whichever is greater.

State House of Representatives: 25 cents times the total number of persons registered to vote in the representative district at the most recent general election, or \$2,500, whichever is greater.

County or Municipal Office: 25 cents times the total number of persons registered to vote in the appropriate county or municipal district at the most recent election.

General or Special Election: Double the above.

Reports and Sworn Statements: Requires campaign reports to be filed by candidates and committee treasurers 10 days prior to each election, by December 31 following an election, and annually thereafter until no unexpended surplus and/or campaign debts are shown. Permits any surplus to be contributed to a tax exempt charitable or political organization.

Contents: States that reports are to be cumulative and must include: (1) the amount of cash on hand at the beginning of the reporting period; (2) the name and address of each person who made one or more contributions to or for the candidate or committee in an aggregate amount or value in excess of \$100, together with the date and amount of such contributions; (3) the total sum of individual contributions made to or for the committee or candidate during the reporting period not reported under (2); (4) the name and address of each candidate or political committee from which the reporting candidate or committee received or made any transfer of funds, with amounts and dates of all transfers; (5) loans over \$100; (6) amounts of proceeds from fund raising events, sales of political items, etc.; (7) each contribution, rebate, refund or other receipt in excess of \$100 not otherwise listed; (8) name and address of those to whom expenditures in excess of \$100 were made, and the date, purpose, and amount of each expenditure, including money spent on things as salaries, personal services, etc.; (9) amount and date paid.

are to be made public during regular busi-

## STATE SESSION LAWS

### DELAWARE CONT'D

Jurisdiction: Gives the Delaware Superior Courts jurisdiction in cases involving this Act, except that cases involving Attorney General candidates shall be tried by the Supreme Court of Delaware.

Set forth various penalties for violation of the Act.

### FLORIDA

SB 522, Chapter 74-13, Approved 5/6/74

Removes the authority of municipality to regulate certain political activities. Amends §104.31 of the Florida Statutes.

Assures freedom of expression and participation in the political process by public employees to the extent compatible with the public welfare. Adds subsection (3) to §104.31 of the Florida Statutes.

HB 1474, Chapter 129, Approved 6/9/74

Permits a county supervisor of elections, with the approval of the board of county commissioners, to arrange a ballot by party candidates either in columns or horizontal rows. Amends §101.25(a) of the Florida Statutes.

HB 1936, Chapter 119, Approved 5/31/74

Sets a filing fee of 3% of the annual salary for all elective offices. Permits an indigent candidate to qualify by petition signed by not less than 5% of the registered voters in his party qualified to vote for him in the upcoming election. Requires each candidate to pay 10 cents per signature to verify these signatures; however, in cases of indigency this, too, can be waived. Amends various subdivisions of §99 of the Florida Statutes.

HB 2393, Chapter 74-76, Approved 5/24/74

Relates to public officers and restrictions on individuals qualifying for public office.

Provides that resignations of county and municipal public officers in compliance with the resign-to-run law shall be directed to the officer with whom such officers qualified or by whom such officers

## STATE SESSION LAWS

### FLORIDA CONT'D

were appointed with copies to the Governor and the Department of State. Amends §99.012 (3) of the Florida Statutes Annotated.

HB 2655, Chapter 74-19, Approved 5/8/74

Prohibits the division of pari-mutuel wagering of the department of business regulation from revoking the permit of one licensed to conduct dog racing or horse racing in the state who contributes to a political party or political campaign. Amends §550.07 of the Florida Statutes.

HB 2699, Chapter 74-5, Approved 4/25/74

Eliminates the residence requirement for registering to vote. States that the registration books shall close on the 45th day before each state and local election and on the 30th day before each national election for President and Vice President.

HB 2903, Chapter 74-89, Approved 5/27/74

Relates to the filing period for candidates for state and county executive committee members. States that this period shall start not earlier than noon of the 63rd day or later than noon of the 49th day preceding the election. Amends §§103.111(2) and 103.111(3)(a) of the 1973 Florida Statutes.

HB 3242, Chapter 74-199, Approved 5/18/74

Rewords §103.111 of the Florida Statutes to clarify the operation of state and county executive committees of political parties. Sets out procedures for the allocation and election of delegates to the 1974 Conference on Democratic Organization and Policy.

HB 3418, Approved 6/12/74

Financial Disclosure - Provides generally for the disclosure of financial interests by source and percentage by public officers and candidates. Provides that the financial disclosure requirements shall be applicable to all elected public officers, including congressional, executive, judicial, legislative, state, county, municipal or local public officers.

Prohibits public officers of the State from receiving any gift which could cause a reasonably prudent person to be influenced in the performance of official duties.



FLORIDA CONT'D

Business Conflicts - Prohibits public officers from owning a material interest in any business entity doing business with a state agency of which he is an officer. Provides that public officers and candidates for nomination to or election for any public office shall file a statement of such material interest. The statement shall give the name, address, and principal business activity of the business entity and shall state the position held or the fact that a material interest is owned, and the nature of said interest.

Statements of Disclosure - Provides that candidates for nomination or election shall file a statement of disclosure no later than 12 o'clock noon on the tenth day after the last day to qualify as a candidate. Public officers are to file a statement of disclosure no later than 12 o'clock noon of May 15th of each year. The statement of disclosure shall disclose such information as: (1) income by source; (2) interest in excess of 10 percent which is held in such institutions as chartered banks, savings and loan associations, and liquor businesses, and (3) representation before agencies.

Intentional Violation - Provides that any intentional violation of any provision of this law shall be grounds for dismissal from employment, removal from office, or removal from the ballot.

HB 3777, Chapter 74-200, Approved 6/18/74

Makes various changes in the 1973 Campaign Financing and Reporting Act, including the following:

Reporting Requirements: Deletes the requirement that a contribution and expenditure report be filed 5 days before an election. States that, when a contribution of less than \$100 is received, only the name, residence (if any), and mailing address of the contributor need be reported.

Limitation on Contributions: Limits contributions to a candidate to the U.S. House of Representatives to \$1,000 and to a candidate to the U.S. Senate to \$3,000.

Florida Election Commission: Sets up procedures to be followed by the Commission when the incumbent secretary of state is a candidate for elective office. Gives the Commission authority to investigate alleged violations by candidates for federal office.

FLORIDA CONT'D

HB 4042, Approved 6/27/74

Establishes the Deer Run Improvement District in DeSoto and Charlotte counties, to be managed and governed by an elected board of supervisors. Provides for the election, qualification, organization, term of office, and compensation of members of this board.

GEORGIA

SB 454, Act 803, Approved 3/5/74

Campaign Financing Disclosure Act

Contributions - Provides that campaign contributions to candidates for certain offices (Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller General, Commissioner of Agriculture, State School Superintendent, Commissioner of Labor and Public Service Commission, and members of the Georgia House of Representatives and Georgia Senate, all county and municipal elected officials) may be made only to the candidate or to his campaign committee.

Campaign Committees - Provides that each candidate shall have but one campaign committee for the purpose of maintaining records and the filing of reports. Before a campaign committee accepts any contributions, the candidate shall file the name and address of his Chairman and Treasurer with the Secretary of State. No contributions shall be accepted by or on behalf of the campaign committee at a time when there is a vacancy in the office of Chairman or Treasurer thereof.

Records of Contributions and Expenditures - Provides that it shall be the duty of the Chairman or Treasurer of any campaign committee which accepts contributions or makes expenditures on behalf of a candidate for the above offices to keep a detailed and exact account of:

- (1) The amounts of all contributions made to the campaign committee.
- (2) The name and mailing address of every person making any contributions and the amount of such contributions.

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- (3) All expenditures made by the candidate or the campaign committee of \$101.00 or more in amount and for any such expenditure of a lesser amount if the aggregate amount of such expenditure to the same person during a calendar year exceeds \$101.00.
- (4) The name and mailing address of every person to whom any expenditure exceeding \$101 is made and the amount thereof.

Campaign Financing Disclosure Reports - Provides that the Chairman or Treasurer of every campaign committee organized to bring about the nomination of a candidate for the above offices shall file with the Secretary of State "Campaign Financing Disclosure Reports" listing the following:

- (1) The amount, name, and mailing address of any person contributing \$101.00 or more in the aggregate during the twelve months preceding the date on which the report is filed including the purchase of tickets for events such as dinners, luncheons, rallies and similar fund raising events within said period in the aggregate amount of \$101.00 or more.
- (2) The name and mailing address of any person to whom an expenditure of \$101.00 or more is made and the amount of such expenditure, and the name and address of any person to whom a lesser amount is paid and such amount, if the aggregate amount of such expenditure to the same person during the 12-months period preceding the date on which the report is filed is \$101.00 or more.

Filing Deadlines - Disclosure Reports - Provides that such campaign financing disclosure reports shall be filed 45 days and 15 days before the primary election, and 10 days after the primary election. Candidates in a general election campaign shall make such reports 15 days prior to the general election campaign and all campaign candidates shall make a final campaign disclosure report no later than December 31 of the year in which the election occurs.

Contributions and Expenditures Made Personally - Provides that, in the event a candidate for the above offices receives any contributions or makes any expenditures in a personal capacity rather than directing such contributions and expenditures to and by his campaign committee, then such candidate must keep such records and file such reports.

GEORGIA CONT'D

Public Inspection of Reports - Provides that the Secretary of State shall make the campaign financing disclosure reports filed with him available for public inspection and copying during regular office hours commencing as soon as practicable after such filing. The Secretary of State shall preserve such reports for a period of 5 years from the date upon which they are received. The Secretary of State may promulgate rules and regulations to carry out the provisions of this Act.

State Campaign Ethics Commission - Creates the State Campaign Ethics Commission to be composed of 5 members. The Commission shall have the following duties and powers.

- (1) The Commission shall make rules as are necessary to administer this Act and to carry out its duties under this Act.
- (2) The Commission shall receive and review documents filed with it, and shall make such documents available for review by any interested citizen of the State.
- (3) Upon request from the appropriate prosecutorial officers of any State court, the Commission shall make such documents available to them.
- (4) The Commission annually shall make a report to the General Assembly covering its activities and recommending legislation to improve public confidence in government.

Penalties - Provides that any person who knowingly violates any of the provisions of this Act shall be subject to a fine of not more than \$5,000 or imprisonment of not more than one year or both.

SB 582, Act 1262, Approved 3/28/74

Amends the Act providing for a board of elections in certain counties. Creates in each county having a population of more than 170,000 and less than 195,000 persons according to the 1970 United States Decennial Census, or any such future census, a board of elections, composed of five members, which shall have jurisdiction over the conduct of general and special elections, referendums, general and special primaries, and runoffs resulting therefrom in the counties in accordance with the Georgia Election Code, as amended, and State Election Board Rules. (Title 34 of the Georgia Code.)

GEORGIA CONT'D

SR 110, Adopted 1/23/74

Proposing an amendment to Article XI, §1, Paragraph VII of the Georgia Constitution so as to change the voting requirements relative to the consolidation of municipal and county governments within Richmond County; provides for the submission of the amendment for ratification or rejection to the people.

HB 227, Act 757, Approved 1/29/74

Changes the method of the qualification of candidates for a primary by allowing them to qualify by a qualifying petition. Thus, a candidate for any party nomination in a primary may qualify by either of the two following methods: (1) payment of a qualifying fee pursuant to the Election Code, or (2) presentation to the party of a qualifying petition to be signed by registered voters qualified to vote for the election of such candidate totaling three percent of the total number of votes cast in the last election for the filing of the office sought by the candidate. Amends §34-1005 of the Code of Georgia Annotated.

Decreases the amount of qualifying fees required of candidates from five percent to three percent of the annual salary of the office. Amends §34-1013 of the Code of Georgia Annotated.

HB 1310, Act 770, Approved 2/25/74

Relates to absentee voting; revises and changes certain of the procedures relating to the process of voting by absentee ballots. Amends Chapter 34-14 of the Code of Georgia Annotated.

Application for absentee ballots - Provides that any absentee elector may, not more than ninety days prior to the date of the primary or election in which the elector desires to vote, make an application either by mail or in person in the registrar's office to the board of registrars of the county of the elector's residence for an official ballot of the elector's district to be voted at such primary or election. Provides for the procedure in applying for absentee ballots; provides for procedures relating to absentee ballot envelopes.

Assistance to voters - Provides that a physically disabled or illiterate elector may receive assistance in preparing his ballot from one of the following: any elector selected by such elector who is qualified to vote in the same county as the disabled elector, or the

mother, father, brother, sister, spouse, son, daughter, mother-in-law, father-in-law, brother-in-law or sister-in-law of the elector. If the disabled elector is sojourning outside his own county, a notary public of the jurisdiction may give such assistance, and shall sign the oath printed on the same envelope as the oath to be signed by the elector. No person shall assist more than 10 such electors in any primary or election.

Cancellation of Absentee Ballots - Provides for the cancellation of absentee ballots of an elector present during primaries and elections by surrendering his absentee ballot to the poll manager of the election district or by appearing in person before the registrars and requesting in writing that the absentee ballot envelope be marked "cancelled."

HB 1313, Act 771, 2/25/74

Relates to municipal elections. Makes certain technical and clarifying amendments regarding such elections. Conforms certain of the procedures relating to the elective process to the provisions of the Georgia Election Code.

Write-in ballots in municipal elections - Provides that no write-in votes may be cast in a primary, runoff primary or runoff election. Amends §34A-1124 of the Georgia Election Code. Provides that an elector may, at other any election, vote for any person for any office, for which office his name does not appear upon the voting machine as a candidate by manually writing in the name of such person, together with the title of the office involved, in or upon the appropriate receptacle or device provided in or on the machine for that purpose. The use of a sticker or poster is prohibited. Amends §34A-1124 of the Georgia Election Code.

HB 1335, Act 772, Approved 2/25/74

Relates to the registration of electors so as to change the residence requirements that an elector be a resident of the State at least one year next preceding the date of the primary or election before the elector can vote. Amends §34-6 of the Georgia Election Code.

HB 1336, Act 773, Approved 2/25/74

Relates to the qualifications of electors to vote in municipal elections. Provides that no person shall vote in any primary or election unless he shall be: (1) registered as an elector in the manner prescribed by law; (2) a citizen of this State and of the United States;

GEORGIA CONT'D

(3) at least 18 years of age; (4) a resident of the municipality in which he seeks to vote; (5) and possessed of all other qualifications prescribed by law. Provides that any person who possess the qualifications of an elector except those concerning age may acquire such qualifications within six months after the day of registration, provided, however, that such person shall not be permitted to vote in a primary or election until the acquisition of such qualifications. Amends §34A-501 of the Georgia Code.

HB 1339, Act 993, Approved 3/21/74

Relates to penalties for violations of the "Georgia Election Code," as amended, so as to make it a misdemeanor to knowingly make any false statement in connection with filing a notice of candidacy. Adds §34-1901.1 to the Georgia Election Code. Relates to penalties for violations of the "Georgia Municipal Election Code," so as to make it a misdemeanor to knowingly make any false statement in connection with filing a notice of candidacy. Adds §34A-1802 to the Georgia Municipal Election Code.

HB 1615, Act 916, Approved 3/21/74

Presidential preference primary - Relates to presidential preference primary dates, so as to establish a procedure for the selection of that date upon which presidential preference primaries shall be held. Provides that the dates upon which such elections shall be held in each year in which a presidential election shall occur shall be fixed by Speaker of the House of Representatives, the Secretary of State, the Attorney General, the chairman of each political party, and the members of the State Election Board. Such primary shall be held not earlier than the first day of March and not later than the first day of June.

HB 1748, Act 919, Approved 3/21/74

Creates in each county having a population of not less than 22,312 and not more than 22,825 according to the 1970 United States Decennial Census, or any such future census, a board of elections which shall have jurisdiction over the conduct of primaries and elections in such counties. Provides that the board shall be composed of three members each of whom shall be an elector and resident of the county.

## GEORGIA CONT'D

HB 1939, Act 1040, Approved 3/21/74

Creates a board of elections in counties having a population of not less than 51,000 and not more than 53,110 according to the 1970 United States Decennial Census, or any future such census. Provides that the boards shall be composed of three members and shall have jurisdiction over the conduct of primaries and elections in such counties.

HR 665, Adopted 2/20/74

Proposes an amendment to the Constitution of Georgia so as to create the Board of Elections of Cobb County and to provide for a Superintendent of Elections. Provides for the submission or the amendment for ratification or rejection.

Provides that the Board of Elections of Cobb County shall be composed of five members and shall have jurisdiction over the conduct of primaries and elections and the registration of electors in the county.

## HAWAII

SB 2215, Act 34-1974, Approved 5/24/74

Makes various changes in Hawaii Elections Laws, including the following:

Subordinate Election Clerks: States that no parent, spouse, sibling, or offspring of a candidate, nor the candidate, shall be eligible to serve as a subordinate election clerk.

Election Contests: States that complaints shall be filed in the office of the clerk of the Supreme Court not later than 4:30 p.m. on the 6th day after a primary or special primary election.

Nomination Papers: Requires those signing nomination petitions to be eligible to vote for the candidate at the next election.

Unopposed Candidates: States that any candidate running for office in a special election or special primary election who is the sole candidate for that office shall, after the close of filing of nomination papers, be deemed and declared to be duly and legally elected



## STATE SESSION LAWS

### HAWAII CONT'D

to the office for which he is a candidate. Also, candidates in a special primary who are opposed only by other candidates of their own party shall be deemed elected if nominated at the special primary.

Absentee Voting: Permits those confined in any penal institution for a misdemeanor or as a pretrial detainee who are unable to attend the polls to vote by absentee ballot.

United States Representative - Vacancy: Provides that when there is a vacancy in the office of United States Representative, if the unexpired term is for less than 180 days, the Governor shall make an appointment to fill the vacancy for the unexpired term and the appointee shall be of the same political party as the person he succeeds. In the case of a vacancy of more than 180 days, pending the special election to fill it, the governor shall make a temporary appointment to fill the vacancy, and the person so appointed shall serve until the election and qualification of the person duly elected to fill the vacancy and shall be a registered member of the same political party as the representative causing the vacancy.

Election Offenses: Makes it a misdemeanor for any person who, knowing he is not entitled to register or vote, does so; or for any person to make a false statement in connection with registering to vote.

### IDAHO

SB 1278, Approved 2/8/74

Bond issue elections - Defines "election" as all state, county, district and other political subdivision elections, including bond issue elections. (Amends Section 34-2401 of the Idaho Code). Provides that, at all elections, including bond issue elections, ballots or votes may be cast, registered, recorded and counted by means of voting machines or vote tally systems. (Amends Sections 34-2402 and 34-2403 of the Idaho Code). Validates previous elections which used voting machines or vote tally systems. (Adds Section 34-2429 to the Idaho Code).

## STATE SESSION LAWS

### IDAHO CONT'D

#### SB 1299, Approved 3/21/74

Relates to the composition of election boards in precincts using voting machines. Provides that the election board of each election precinct in which a voting machine or vote tally system is used shall consist of an election judge and no fewer than three nor more than four clerks. The clerks of an election board shall not all be members of the same political party. The county clerk shall establish the number of election board clerks. Amends §34-2412 of the Idaho Code.

#### HB 374, Approved 2/19/74

Reorganizes the Executive Department of the Government. Provides that the Secretary of State, auditor, and state treasurer shall constitute the state board of canvassers. The functions of the board shall be election related, and the Secretary of State shall be chairman of the board. Amends Section 34-1211 of the Idaho Code.

#### HB 518, Chapter 116, Approved 3/27/74

Amends various sections of the Idaho Code dealing with the election and appointment of magistrates.

#### HB 606, Chapter 172, Approved 4/1/74

Provides that no elector may register with county clerk within five (formerly two) days prior to an election. Amends Idaho Code §34-408.

#### HB 646, Chapter 212, Approved 4/3/74

Provides that by December 1, 1981, and every ten years thereafter, each county clerk shall file various population and election statistics with the Secretary of State. Amends §34-301 of the Idaho Code.

#### Initiative No. 1, Approved by Voters 11/5/74

"Sunshine" Law for Political Funds and Lobbyist Activity Disclosure

Applicability: Applies to all primary, general, and special elections.

Political Treasurers: Requires each candidate and political committee to appoint a resident of the state as political treasurer, and certify

## BAMBO CONSTITUTION

his name and address to the Secretary of State. Permits a candidate to be his own treasurer. States that no money shall be received or expended on behalf of the candidate or committee except through the treasurer, and requires the treasurer to keep all accounts current to within not more than 7 days after the date of contribution or expenditure. Requires these accounts to be maintained for one year after the date of election or one year after the date the last supplemental statement is filed, whichever is later.

Out of State Committees: Prohibits contributions of more than \$50 from any out of state committee, unless accompanied by a written statement setting forth the name and address of each person who contributed \$50 or more to the committee.

Contributions from non-business entities: Prohibits contributions in excess of \$50 from non-business entities, excluding political committees, unless accompanied by a statement signed by an officer of the entity listing each person who contributed more than \$500 to the entity during the preceding calendar year.

Reporting Requirements: Requires campaign financing reports to be filed with the Secretary of State at the following times:

- (1) Not more than 40 or less than 30 days before an election, a report current as of the 40th day prior to the election;
- (2) Not more than 14 or less than 7 days before an election, a report current as of the 15th day prior to the election; and
- (3) Not more than 30 days after the election, a report current as of the 10th day following the election.
- (4) Continuing political committees, in all reports, must include all contributions and expenditures from the time of the last report.
- (5) If unexpended balances or deficits remain after report (3), a supplemental report must be filed 30 days thereafter until the account shows no balance or deficit.

Note: If no contributions or expenditures are made during a given period, a statement to that effect must be filed.

IDAHO CONT'D

Contents of Reports - Contributions: Requires a list of all contributions, including funds or property of the candidate used to cover expenditures; the full name and address of each person who contributed an aggregate amount of more than \$50, and the amount contributed by each person; and the total amount of contributions of less than \$50.

Contents of Reports - Expenditures: Requires a list of all expenditures made, showing the amount and purpose of each, with each expenditure of \$25 or more vouched for by a receipt or cancelled check; except that expenditures of less than \$25 each may be listed together without such a breakdown.

Individual Reporting: Requires campaign expenditures other than contributions of more than \$50 to be reported by the individuals making them not more than 30 days after an election.

Criminal Reporting: Requires each newspaper, periodical, broadcasting station, direct mailing company, printer and advertising firm which accepts expenditures from a political treasurer to keep a current record, available to the public, of the amounts paid and obligations incurred by each candidate or committee.

Prohibited contributions: Prohibits anonymous and fictitious contributions, and contributions in the name of or channeled through another.

Duties of Secretary of State - Campaign Reporting: Requires the Secretary of State to inspect reports filed in his office, and notify filers if there are any errors or discrepancies, or if a complaint has been filed by a registered voter claiming a statement does not conform to law or is not truthful.

Lobbyist Registration: Requires each lobbyist to register within 30 days after being employed as a lobbyist or before doing any lobbying, whichever comes first. The information to be filed includes such things as name and permanent and temporary address(es); the general subject(s) of legislative interest; name and address of employer(s) or those from whom the lobbyist will receive fees or other considerations in excess of \$500 during the current year, etc.

Lobbyist Exclusions: Excludes those limiting their lobbying to appearances before public sessions of legislative committees; those engaged in publishing, broadcasting or televising who in the ordinary course of business disseminate stories or comments to the general

## IDAHO CONT'D

public; persons who do not receive any compensation for lobbying or whose compensation is \$100 per calendar quarter or less; public officials acting in their official capacity; and those representing bona fide churches solely for the purpose of protecting their constitutional right to the free exercise of religion.

Reporting by Lobbyists: Requires quarterly reports due 30 days after the end of each calendar quarter, and interim weekly reports when the legislature is in session by those lobbying during that period. Requires reports to include expenditures made or incurred, broken down by categories and/or employers; the specific legislation and/or legislators benefiting from the expenditures, etc.

Duties of Lobbyists: Sets forth a "Code of Ethics" for lobbyists, stating that no person shall lobby before having registered; all lobbyists must preserve all records for at least 3 years; no lobbyist shall cause to influence the introduction of any bill or amendment for the purpose of thereafter being employed to secure its defeat, etc.

Duties of Secretary of State - Lobbying: Requires the Secretary of State to keep a docket listing of each lobbyist, his areas of interest, employers, etc., which is open to public inspection. Requires him to maintain these records for 6 years following receipt, make investigations of alleged violations of any part of the Act and report suspected violations to the proper law enforcement authorities, etc.

Penalties: Makes violation of the provisions of the Act a misdemeanor, punishable by a \$250 fine (individuals) and \$2,500 (non-individuals), with a additional possible penalty of up to 6 months in jail for willful violations or violations of the Code of Ethics by a lobbyist.

Injunctions: - Gives state district courts original jurisdiction to issue injunctions to enforce provisions of the act, upon application by any citizen of the state or by the Secretary of State.

Construction: States the provisions of the Act are to be liberally construed to effectuate the policies and purposes of the Act. In case of conflict between this and any other Act, the provisions of this Act shall govern.

## STATE SESSION LAWS

### ILLINOIS

SB 1568, Public Act 78-1183, Approved 9/3/74

An Act to Regulate Campaign Financing. Amends §§1-3, 7-1.01, and 7-12 of the Illinois Election Code, and adds Article 9 and §10-6.1 to the Illinois Election Code.

Applicability: Applies to all non-federal candidates.

Notice: Requires the State or County Board of Elections where nomination papers are filed to notify candidates of the requirements they must comply with under this Act.

Political Committees - Statement of Organization: Requires each political committee to file (with the State Board of Election for state committees and the county clerk for local committees) within 30 days after the election. Requires committees in existence at the time this Act was approved to file no later than 15 days preceding the general election. These reports must include such things as the committee's name and address, scope and area of activity, party and candidate affiliation, and purpose; the name and address of principal officials and financial institutions employed; what use will be made of residual funds, etc.

Reporting Requirements: Requires reports of contributions to be filed 15 days before and 90 days following each election, complete as of the 30th day preceding and the 90th day following the election, respectively. However, any contribution of \$500 or more received in the interim period must be reported within 2 business days. Annual reports of contributions and expenditures must be filed each July 31 for the preceding fiscal year by any committee which accepted political contributions or made political expenditures during that period.

Contents of Reports: Reports of contributions must contain general information on the scope and make-up of the committee; the amount of funds on hand at the start of the reporting period; the name and address of each person who made one or more contributions totaling \$150 or more over the past 12 months; the total sum of all contributions during the period; amounts of loans; and proceeds from fund-raising events, the sale of political items, and the like. Annual reports must also include the name and address of every person who received expenditures in excess of \$150 over the last 12 months; the total sum of expenditures during the period; and the name and address of each person to whom a debt or obligation is owed, and the amount of each such debt or obligation.

ILLINOIS CONT'D

Expenditure Receipts: Requires campaign treasurers to obtain a receipt listing particulars for each expenditure in excess of \$20. These must be kept for at least two years after date of receipt.

Prohibited Contributions: Prohibits making or accepting anonymous contributions or contributions in the name of another.

Board of Elections: Gives the State Board of Elections the responsibility to administer this Act.

Violations: Permits any person believing a violation has taken place or is about to take place to certify this fact to the Board. The Board may then hold investigations, inquiries, and hearings in connection with alleged violations of the act. Judicial review of final Board decisions is granted directly in the Appellate, rather than the Circuit, Court.

Penalties: Makes failing to file a required report or filing a false or incomplete report a Class B Misdemeanor. Making a false complaint of an alleged violation is also a Class B Misdemeanor.

INDIANA

SCR 30, Adopted 2/12/74

Provides for the creation of a bipartisan study committee to study the State's election laws.

Provision No. 2, Adopted 11/5/74

Provides that candidate for Governor and Lieutenant Governor shall run on the same ballot. Also, provides for the resolution of the election should there be a tie in the general election.

IOWA

SB 1203, Approved 4/30/74

Political committees - Provides that every political committee which receives or expends any amount of money shall file a statement of

## IOWA CONT'D

organization within ten days from the date of its organization. "Political committee" means a person or committee, but not a candidate, including a statutory committee which accepts any contributions or makes any expenditures for the purpose of supporting or opposing a candidate for public office.

Reports of contributions - Provides that each treasurer of a political committee shall file with the state commissioner or commissioner reports of contributions received and disbursed on forms prescribed by the state commissioner. The reports from all committees, except those committees for municipal and school elective offices, shall be filed on the twentieth day of January, May, July, and October of each year.

Disbursements - Provides that the name and mailing address of each person to whom disbursements have been made by the political committee from contributions during the reporting period and the amount and date of each disbursement except that disbursements of less than five dollars may be shown as miscellaneous disbursements so long as the aggregate miscellaneous disbursements to any one person during a calendar year do not exceed one hundred dollars.

Loans - Asserts that any candidate or committee receiving funds, the original source of which was a loan, shall be required to list the lender as a contributor. No candidate or committee shall knowingly receive funds from a contributor who has borrowed the money without listing the original source of said money.

Income tax checkoff - Provides that the "Iowa election campaign fund" shall consist of funds paid by persons having an Iowa income tax liability. The director of revenue shall remit funds collected to the treasurer of state who shall deposit such funds in the appropriate account within the Iowa election campaign fund. Any interest income received by the treasurer of state from investment of moneys deposited in the fund shall be deposited in the Iowa election campaign fund. Such funds shall be subject to payment to the chairman of the specified political party by the state comptroller.

HF 1399, Approved 4/24/74

Makes numerous minor changes in the Iowa Election Code relating to such things as duties of precinct officers, municipal and school district elections, etc.



KANSAS

SB 656, Approved 3/22/84

Campaign Finance Act - Provides for the reporting of contributions and expenditures and other financial information.

Campaign treasurer - Provides that not later than May 10, 1974 or not later than 10 days after becoming a candidate, whichever occurs later, every candidate shall appoint a treasurer or in lieu thereof shall appoint a candidate committee. A candidate may appoint himself as treasurer. No candidate shall appoint more than one candidate committee to exist at the same time. If a candidate appoints a candidate committee, he shall appoint a chairman and a treasurer thereof and the treasurer so appointed may be the candidate himself.

Committees - Provides that each party committee and each political committee which anticipates receiving contributions or making expenditures shall appoint a chairman and a treasurer. The chairman of each such committee shall make a statement of organization and file it with the Secretary of State not later than May 10, 1974 or not later than 10 days after establishment of such committee, whichever occurs later.

Duties of treasurers - Requires every treasurer to keep detailed accounts of all contributions and other receipts received and all expenditures made by or on behalf of his candidate or committee. Provides that every treasurer shall refuse any contribution from a party committee or political committee which has not filed its statement of organization as required by this Act. Requires every treasurer to file a report in the office of the Secretary of State so that it is received by such office on or before certain days preceding each election.

Contribution limitations - Provides that the aggregate amount contributed to a candidate and his candidate committee and to all party committees and political committees and dedicated to a particular candidate's campaign, by any person, except a party committee, shall not exceed the following:

<u>Office</u>	<u>Amount</u>
1. governor and lieutenant governor (as a pair)	\$2,500 - primary election \$2,500 - general election

# STATE SESSION LAWS

## KANSAS CONT'D

<u>Office</u>	<u>Amount</u>
2. state senator, house of representatives, district judge, district attorney, or member of state board of education	\$500 - primary election \$500 - general election

Expenditure limitations - Provides for the following expenditure limitations:

<u>Office</u>	<u>Amount</u>
1. governor and lieutenant governor	\$300,000 - primary election \$500,000 - general election
2. candidate for state office	\$150,000 - primary election \$250,000 - general election
3. state senator	\$5,000 - primary election \$8,000 - general election
4. house of representatives	\$3,000 - primary election \$5,000 - general election
5. district judge, district attorney, member of state board of education	\$6,000 - primary election \$10,000 - general election

## KANSAS CONT'D

Election Offenses

<u>Offenses</u>	<u>Type of Crime</u>
(1) Failure to file a campaign report	Class A misdemeanor
(2) Fraudulent campaign finance reporting	Class A misdemeanor
(3) Charging excessive amount for political advertising	Class A misdemeanor
(4) Excessive campaign contribution	Class A misdemeanor
(5) Excessive campaign expenditure	Class A misdemeanor

SB 662, Chapter 162, Approved 2/4/74

States that county election officer shall publish notice of a school district election in a paper of general circulation on or before January 15 of the year in which the election is held. Amends §25-2018 of the Kansas Statutes Annotated.

SB 663, Approved 3/15/74

Permits any county to annually make a tax levy on the taxable tangible property in the county in an amount not greater than the amount necessary to pay the direct expense of elections the county is required to pay and is not reimbursed. Reapportions election expenses in certain township, city, school or community junior college elections. (Amends Kansas Statutes Annotated §25-2201.)

SB 664, Chapter 106, Approved 2/19/74

Relates to the length of time county officials must retain elections records. Sets the basic period as 20 years, with certain enumerated exceptions.

SB 1017, Approved 4/2/74

Expenditure limitations - local and county candidates - Provides that it shall be unlawful for any candidate for nomination for the election to any city, school district, community junior college, township, or county office to expend upon any primary, general or special election,

## KANSAS CONT'D

or to contract or to incur obligations in connection with any such election in excess of 10% of the salary for the first year of the office to which such candidate is seeking nomination or election. Provides that any candidate for an office which pays a salary of less than \$1,000 per annum may lawfully expend not to exceed \$500 for primary or general election expenses. Amends Kansas Statutes Annotated §25-90-3.

Filing requirements - Provides that such candidates shall file within 30 days after each primary, general or special election, with the county election officer, an itemized statement under oath of all expenditures made by such candidate or obligations contracted or incurred by him or her in connection with each primary, general or special election. Provides that, if no expenditures are made and no obligations are contracted or incurred by a candidate, the candidate shall file with the county election officer a statement to that effect. Amends Kansas Statutes Annotated §25-904.

SB 1020, Approved 4/1/74

Governmental Ethics Commission - Creates the Governmental Ethics Commission composed of 11 members to adopt rules and regulations for the administration of the Campaign Finance Act (See SB 656).

SCR 77, Adopted 3/27/74

Eliminates the 30 day residency requirement needed to become a qualified elector. (Amends Article 5 of the Kansas Constitution.)

SCR 78, Chapter 463, Adopted 3/26/74

Makes the following amendments to Article 4 of the Kansas Constitution, dealing with elections.

Sec. 1. All elections shall be by ballot or voting device, or both, as the legislature shall provide.

Not less than 3 county commissioners shall be elected in unincorporated county in the state, as provided by law.

KANSAS CONT'D

Sec. 3. Revalidates the Kansas recall provision by stating that procedures and grounds for recall shall be prescribed by law.

HB 1479, Approved 3/8/74

Voter Challenges - Provides that, if a person offering to vote is challenged as unqualified by one of the judges of election, an oath shall be given by one of the judges of election swearing to various qualifications. Amends §25-410 of the Kansas Statutes Annotated.

Residence - Presidential Elections - Defines "new resident" and "former resident" for the purposes of presidential elections. "New resident" means one who immediately prior to his removal to the state, was a resident of another state and who resided in the State for a period in accordance with federal law next preceding the general election. "Former resident" means one who has removed his place of residence from the State during a period in accordance with federal law next preceding a general election but who was a registered voter at the time of removal. Amends §25-1801 of the Kansas Statutes Annotated.

HB 1514, Chapter 164, Approved 3/8/74

Sets a 4 year term of office for elected members of a board of education. Makes corresponding changes in other provisions relating to term of office.

HB 1520, Chapter 163, Approved 2/28/74

Makes minor changes in the Kansas Statutes Annotated relating to school elections. States that if a member of a board of education moves outside the district, he is no longer eligible to serve and his seat shall be vacant as of that date.

HB 1647, Approved 2/25/74

Relates to absentee voting in military camps or state institutions. Provides that after the absentee voter has marked the official federal services absentee ballot, he shall place it in the official ballot envelope and secretly seal the same. He shall then fill out in full, the form printed upon the official ballot envelope and sign the

## KANSAS CONT'D

same. Such ballot envelope shall then be placed in the envelope provided for such purpose and mailed by the voter to the county election officer of the county of the voter's residence. Amends §25-1221 of the Kansas Statutes Annotated.

HB 1648, Approved 2/25/74

Provides that all applications for disabled ballots be made at the office of the county election officer not later than 12:00 o'clock noon on the day of the election. Amends Kansas Statutes Annotated §25-1231.

HB 1652, Approved 3/3/74

Makes certain acts regarding elections unlawful and prescribes penalties. Amends §25-418 of the Kansas Statutes Annotated, and repeals other sections. Defines the following election offenses and prescribes and following penalties:

<u>Offense</u>	<u>Type of Crime</u>
1. Obstruction of voting privilege	Class A misdemeanor
2. Election bribery	Class D felony
3. Bribery regarding nomination papers	Class B misdemeanor
4. Election perjury	Class E felony
5. Election forgery	Class E felony
6. Disorderly election conduct	Class B misdemeanor
7. Possession of false or forged election supplies	Class E felony
8. Intimidation of voters	Class A misdemeanor
without being qualified	Class A misdemeanor

## KANSAS CONT'D

10. Bribery of an election official	Class D felony
11. Bribe acceptance by an election official	Class D felony
12. Misconduct of an election officer	Class B misdemeanor
13. Election fraud by election officer	Class E felony
14. Election suppression	Class E felony
15. Unauthorized voting disclosure	Class E felony
16. Election tampering	Class E felony
17. False impersonation as party officer	Class A misdemeanor
18. Voting machine fraud	Class E Felony
19. Printing and circulating imitation ballots	Class A misdemeanor
20. Marking ballots to identify	Class A misdemeanor
21. Destruction of election supplies	Class E felony
22. Destruction of election papers of candidates	Class E felony
23. Electioneering at polling places	Class C misdemeanor
24. False impersonation of a voter	Class E felony

Provides that, upon final conviction of any person of any of the above offenses, such person shall forfeit any public office or public employment which he may hold in addition to any other penalties imposed for such offense.

KANSAS CONT'D

HB 1752, Chapter 154, Approved 3/3/74

Sets financial reporting requirements for those who engage in any activity promoting or opposing the adoption or repeal of any provision of the Kansas Constitution. Requires annual reports to be filed before February 15 of each year, and supplemental reports 15 days before and after dates of any election on a constitutional amendment where contributed funds are expended.

HB 2000, Approved 3/3/74

Provides that the county officer of any county in which voting machines are used may authorize persons filing for absentee ballots to cast their votes upon voting machines.

Provides that the county election officer shall appoint a special election board consisting of at least three members with the supervising judge of the board opening every machine each morning and closing and sealing every machine each evening.

Provides that, upon receiving an application for an absentee ballot, the county election officer shall notify the person that he may cast his vote in person at the office of the county election officer during the times established by the election officer.

HB 2047, Approved 3/13/74

Sets new requirements which must be met by voting machines before they are approved by the Secretary of State. (Repeals existing Kansas Statutes Annotated §25-1310 and enacts a new one in its place.)

KENTUCKY

SB 183, Passed 3/18/74

Proposes an amendment to the Constitution of Kentucky relating to the Judicial Branch of Government. Provides, among other things, that the Justices of the Supreme Court and Judges of the Court of Appeals, Circuit and District Courts shall be elected from their respective districts or circuits on a nonpartisan basis as provided



KENTUCKY CONT'D

by law. Provides for the procedures to fill the vacancies in such offices. Provides for the terms of office and compensation for such offices.

SB 199, Approved 3/29/74

Makes the first Tuesday after the first Monday in November of each election year a school holiday. Amends §159.060 of the Kentucky Revised Statutes.

SB 220, approved 3/29/74

Lists additional duties for the Kentucky Registry of Election Finance. Amends Kentucky Revised Statutes §123.061.

SB 345, Approved 3/28/74

Relates to various election offenses: (1) unauthorized possession of any key to a voting machine; (2) tampering with a voting machine; (3) altering of, or tampering with, any special ballot. Amends Kentucky Revised Statutes, Chapter 124.

SR 74, Adopted 3/20/74

Authorizes and directs the Legislative Research Commission to conduct a study of the feasibility of adopting the electronic voting system.

HB 4, Approved 2/4/74

Provides that the county judge shall establish the boundary lines of each of the three county commissioner districts so that each district is an unbroken area and not split by another commissioner district. Amends §67.060 of the Kentucky Revised Statutes.

HB 14, Approved 3/5/74

Increases amounts which may be spent for renting voting places and other election-related expenses. (Amends Kentucky Revised Statutes §§125.017 and 125.260.)

KENTUCKY CONT'D

HB 63, Approved 4/1/74

Makes various changes in the Kentucky Election Code, as follows:

Defines "Political Action Committee" as three or more persons joining together to advocate or oppose a constitutional amendment or public question if that committee receives or expends money in excess of \$1,000.

Defines "testimonial affair" as an affair held in honor of a person who holds or who is or was a candidate for nomination or election to, a political office in the state, designed to raise funds for any purpose not charitable, religious or educational.

Gives a definition of the word "contribution," and states that the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate.

Defines "candidate" as any person who has received contributions or made expenditures, has appointed a campaign treasurer, or has given his consent for any other person to receive contributions or make expenditures with a view to bringing about his nomination or election to public office.

States that the registry shall preserve all campaign reports for at least 4 years from the date of receipt (formerly 2 years).

States that campaign financing reports shall include the date, name, address, and occupation (formerly name and address) and amount contributed by each contributor who has contributed in excess of \$100 (formerly \$500).

States that the registry shall conduct random audits of receipts and expenditures of candidates running for city, county, urban, county government, and district offices. When the records of one candidate are audited, the records of all other candidates running for the same office shall also be audited.

States that the registry shall conduct audits of receipts and expenditures of all candidates running for state-wide office.

KENTUCKY CONT'D

Requires candidates to maintain their records for a period of 4 years from the date of election.

Requires anonymous contributions in excess of \$50 (formerly \$103) to be returned to the donor, if known, or otherwise escheat to the state.

Prohibits candidates, committees or political action committees, from accepting cash contributions in excess of \$100.

Prohibits any individual from contributing more than \$3,000 to any one candidate in any one election or from making or accepting a contribution made by one person in the name of another person.

Lists the duties of campaign treasurers.

States that the chairman of a committee and the campaign treasurer shall be separate persons.

Lists political action committees (defined above) among those who must register and file other required forms with the registry.

Lists the following filing deadlines for all candidates (federal and state offices) as follows:

- (1) On the thirty-second (formerly thirtieth) day preceding an election, including all previous contributions and expenditures.
- (2) On the twelfth (formerly tenth) day preceding the date of the election.
- (3) Within thirty days after the election (remains the same).

States that candidates shall have five days from each filing deadline in which to get their reports into the hands of the registry.

States that when any individual purchase of tickets for fund-raising events of political campaign materials exceeds \$100, the purchaser shall be identified by name, address, and occupation and the amount purchased for inspection by the registry.

States that when the net proceeds of a fund raising event exceed the sum of \$1,500, the net proceeds shall be reported to the registry.

State that a duplicate copy of each report filed with the registry shall be filed by the candidate or committee with the county clerk

KENTUCKY CONT'D

in the county in which the candidate resides, at the same time. County clerks shall maintain these reports for public inspection for a period of one year from the date in the last report is required to be made.

An unopposed candidate must continue to file the required reports.

Violations shall be prosecuted by the commonwealth attorney for the county in which the candidate resides; however, if he fails or refuses to prosecute a violator, upon written request from the registry, the Attorney General shall appoint a special prosecutor to do so.

HB 88, Approved 3/15/74

Requires every voting precinct to display an American flag at least 3 feet wide by 4 feet long at the entrance to the precinct during voting hours. (Adds a new section 125 to the Kentucky Revised Statutes.)

HB 95, Approved 3/21/74

Provides that papers filed by candidates for offices to be voted for by the electors of one county or of a district less than one county, excluding Members of Congress and Members of the General Assembly, the electors of one county or of a district less than one county, ex- shall at all times be open to inspection by any person. (Amends Kentucky Revised Statutes 119.100.)

HB 204, Approved 3/11/74

States that those seeking the nomination of a major political party as candidate for the office of county commissioner in the primary election shall be voted upon exclusively by the eligible voters of the district in which they reside and seek to represent.

HB 327, Approved 3/1/74

Relates to the filling of vacancies on state and district boards of education.

HB 439, Approved 3/28/74

Requires the use of registered mail, return receipt requested, in lieu of registered mail in the following situations: (1) notification of presidential primary nominees that their names will appear on ballot; (2) notification of the Secretary of State by those who wish

KENTUCKY CONT'D

to contest the election; (3) notification of the registry by a candidate who appoints a new campaign treasurer; (4) notification by the county board of elections as to whether or not a political committee will be allowed to challenge an election return for county or school board elections. (Amends Kentucky Revised Statutes §§120.160, 122.170, 123.071, and 125.210.)

HB 508, Approved 3/28/74

States that no person shall be disqualified from election or appointment to any public office for which the law requires a term of prior residence in a district or city, solely because of alternations in city or district boundaries.

HB 710, Approved 3/22/74

Recodifies the Kentucky Elections Code and makes minor technical changes.

HB 799, Approved 3/29/74

Makes various provisions relating to county public service programs. Allows any county to submit to the electorate of the county one or more proposals for the approval of one or more public service programs. Provides that such programs shall be adopted upon approval by a majority of those voting. Adds §§1-4 to Chapter 68 of the Kentucky Revised Statutes.

LOUISIANA

HB 95, Act 102, Approved 7/9/74

Reclassifies the employees within the office of the registrar of voters of Jefferson Parish to conform with current civil service requirements. Amends ~~¶~~ 1.1 of §6 of Title 18 of the Louisiana Revised Statutes of 1950.

HB 96, Act 103, Approved 7/9/74

Authorizes the governing authority of Jefferson Parish to provide mobile registration offices for voters within the parish. Amends subsections I and J of §270.302 of Title 18 of the Louisiana Revised Statutes of 1950.

LOUISIANA CONT'D

HB 401, Act 250, Approved 7/12/74

Provides for registrars of voters to establish, maintain, and operate additional locations for voter registration. Amends §§270.301 and 270.302 of Title 18 of the Louisiana Revised Statutes of 1950.

HB 892, Act 295, Approved 7/12/74

Absentee voting: Authorizes persons qualified to vote in any primary, special or general election who are residing temporarily outside the United States to make application by certified mail and to vote by certified mail. Enacts Subsection D of §1071 of Title 18 of the Louisiana Revised Statutes of 1950.

HB 854, Act 337, Approved 7/22/74

Relates to qualifying for candidacy by persons other than those qualifying through party primaries. States that, except for nomination papers of candidates for the Orleans Parish School Board, all nominating papers must be filed with the Secretary of State on or before the date on which the first primary is to be held to nominate candidates by political parties. Applies to write-in candidates, independent candidates, and candidates of new and minor political parties. Amends and reenacts Subsection C of §824 and Paragraph (1) of Subsection B of §732, both of Title 18 of the Louisiana Revised Statutes of 1950.

HCR 203, Adopted 7/4/74

Authorizes and directs the House Governmental Affairs Committee and the Senate Governmental Affairs Committee to form a joint committee for the purpose of conducting an in-depth study of all aspects of absentee voting and registration by persons unable to register or have access to the polls due to physical handicaps, infirmities or disabilities.

Constitution, adopted by the voters of the State 4/20/74

The new Constitution contains the following provisions with respect to elections:

Article I, §10: Declaration of Rights; Right to Vote: States that every citizen 18 years of age or older shall have the right to vote

## LOUISIANA CONT'D

except that the right may be suspended while a person is declared mentally incompetent or is imprisoned for a felony.

Article IX - Elections: §1 states that the legislature shall adopt an election code. §2 provides for secret ballots, the use of absentee ballots, and the preservation of election ballots. §3 states that electors shall be privileged from arrest, except for felony or breach of the peace, while going to and from the place of voting and while exercising the right to vote. §4 prohibits the use of public funds to urge any elector to vote for or against any candidate or proposition, and states that public funds will not be appropriated to any candidate or political organization. §5 relates to the duties of registrars of voters.

## MAINE

SB 709-x, Adopted 1/17/74

Proposes an Amendment to §1 of Article II of the Constitution of the State of Maine to eliminate the three-month voting residence requirement following a change of residence within the State.

SB 914-x, Chapter 782, Approved 4/1/74

An act to clarify certain election laws - Makes various changes in Maine election laws such as duties of registrars, disqualification of absentee ballots, and voting restrictions on persons convicted of felonies. Provides that state committees of the major political parties and candidates for federal office and the treasurers of the political committees of such candidates shall file one copy of the completed report required of them by federal law with the Secretary of State on the same day as required by federal law, except for the final campaign report, which shall be filed not later than 45 days after the election. Candidates for Governor and the treasurers of their political committees shall file a report of the same form and content on the same dates as required of federal candidates by the federal law, except for the first campaign report, which shall be filed on or before April 10th of the election year and except for the final campaign report, which shall be filed not later than 45 days after the election.

## MAINE CONT'D

SB 953, Chapter 788, Approved 4/1/74

Corrects errors and inconsistencies in various public laws. States that no court sessions shall be held on primary or general election dates. Amends Maine Revised Statutes, Title 4, §1051.

HB 1981, Chapter 718, Approved 3/11/74

Relates to applications for absentee ballots. Provides that such applications must contain a place for the following: Name of applicant, address, address to which ballot is to be sent, title and year of election at which ballot is to be cast, name of party in which he is or desires to be enrolled, date of application and signature of applicant. Amends §1252 of Title 21 of the Revised Statutes.

HB 1985, Chapter 720, Approved 3/11/74

Relates to elections to the House of Representatives of Maine. Provides that a primary petition for a candidate for the House of Representatives must be signed by at least 25 and not more than 50 voters and, in a representative district entitled to 2 or more representatives by a number equal to at least 25 and not more than 50 multiplied by the number of representatives to which the district is entitled. Amends Title 21, §445 of the Maine Revised Statutes.

Provides further that a nomination petition for a candidate for the House of Representatives must be signed by at least 25 and not more than 50 voters and, in a representative district entitled to 2 or more representatives, by a number of voters equal to at least 25 and not more than 50 multiplied by the number of representatives to which the district is entitled. Amends Title 21, §492, Subsection 5 of the Maine Revised Statutes.

HB 2054-x, Chapter 756, Approved 3/26/74

Campaign Financing - Places certain limits on campaign donations and expenditures by candidates for political office.

nditures - Provides that at a primary election, office of Governor, United States Senator, United or candidate for other political office in a pri- ke or authorize expenditures on behalf of such of 25 cents multiplied by the number of votes ,ualified candidates for such office in the last



## MAINE CONT'D

preceding general election for such office. Provides that, at a general election, no candidate for the office of Governor, United States Senator, United States Representative or candidate for other political office in a general election shall make or authorize expenditures on behalf of such candidacy in excess of 50 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office.

Limitation on expenditures from personal funds - Provides that no candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination or election to political office, whether in a primary election or general election in excess of:

- (1) \$35,000 in the case of a candidate for the office of Governor or United States Senator;
- (2) \$25,000 in the case of a candidate for United States Representative; or
- (3) \$5,000 in the case of candidates for other political offices.

Federal law controlling - Provides that, in the event that any provisions are in conflict with applicable federal statutes relating to expenditures by political candidates, the federal statute shall be controlling.

## MARYLAND

SB 53, Chapter 298, Approved 4/30/74

Provides that no candidate or treasurer may accept any loan to a campaign without the express written consent of the candidate. Provides that a copy of the consent shall be attached to the appropriate campaign financial report. Adds §26-8(d) to Article 33 of the Annotated Code of Maryland.

SB 57, Chapter 299, Approved 4/31/74

States that a person who has been convicted of larceny or another infamous crime only once and has either been pardoned or has completed his sentence, including parole and probation, may be registered to vote. (Amends Article 33, §§3-4(c) and 24-14 of the Annotated Code of Maryland.)

MARYLAND CONT'D

SB 405, Approved 4/30/74

Requires that the order of local questions or referenda be designated on ballots by letters of the alphabet rather than by numbers. Amends §16-1(b) of Article 33 of the Annotated Code of Maryland.

SB 442, Chapter 333, Approved 4/30/74

Requires a registered voter to notify his board of any change of address or name within 30 days after such change. Provides that a board may not process a change of address or name during certain specified periods before and after an election. Amends §§3-8(a) and 3-9(a) of Article 33 of the Annotated Code of Maryland.

SB 448, Chapter 336, Approved 4/30/74

Requires election boards to take full advantage of free postage privileges with respect to the mailing of absentee ballot materials and absentee ballots as are provided by the Federal Voting Assistance Act of 1955. Amends §27-8(b) of Article 33 of the Annotated Code of Maryland.

SB 456, Chapter 341, Approved 4/30/74

Fair Election Practices - Modifies the procedures and requirements relating to reporting contributions and expenditures and the time and manner of the filing of election reports. Makes election reports the joint and several responsibility of the treasurer and candidate or committee chairman.

Report of contributions and expenditures - Provides that a candidate for nomination or election to public or party office and the treasurer designated by that candidate shall file a report or statement of contributions and expenditures with the board at which the candidate filed his certificate of candidacy. Provides that each report filed shall contain all contributions received and expenditures made in furtherance of the candidate's nomination or election by the candidate himself or, with the knowledge of the candidate, by any other person or groups of persons, through and including the seventh day immediately preceding the day by which that report is to be filed. The initial report filed shall contain all contributions so received and expenditures so made since the date of the last preceding election to fill the office for which he is a candidate. Each subsequent report shall contain all contributions so received and expenditures so made since the end of the period for which the last preceding report is filed.

MARYLAND CONT'D

Certification of reports - Provides that no candidate may be sworn in until the state administrative board of election laws certifies that all such reports and statements have been filed. Provides that no subdivisions may issue a commission or administer an oath of office to a candidate until that official has received this certification from the state administrative board of election laws.

Custody of reports - Extends the time to two years during which election boards must retain custody of certain reports. Amends §§26-11, 16-13, and 26-14 of Article 33 of the Annotated Code of Maryland.

SB 547, Chapter 855, Approved 4/30/74

Generally relates to matters pertaining to voting machines, ballots and ballot labels, instructions for voters and specimen ballots. For example, states that the name of candidates of each political party for Governor and Lieutenant Governor shall be grouped together. (Amends Article 33, §§16-1(b), 16-5(a), 16-5(b), 16-7(c), and 16-7(d) of the Maryland Annotated Code.)

SB 671, Chapter 879, 5/31/74

States that any elected official of the state, or of a county or of a municipal corporation who during his term of office is convicted of or enters a plea of nolo contendere to any crime which is a felony, or which is a misdemeanor related to his public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution, shall be suspended without pay from the elective office; and, if the conviction becomes final, the office shall be declared vacant. Sets forth procedures to be followed in filling an office which becomes vacant for this reason. Proposes an amendment to Article XV, §3 of the Maryland Constitution.

SB 743, Chapter 376, Approved 4/30/74

Corrects a technical error in Article 33, §29-7(b) of the Annotated Code of Maryland, relating to the function of the Public Financial Disclosure Advisory Board.

STATE SESSION LAWS

MARYLAND CONT'D

SB 781, Chapter 380, Approved 4/30/74

Makes minor changes in provisions relating to registration of voters, permanent and temporary certificates of registration, and records of persons voting. (Amends Article 33, §§3-11, 3-15(a), 16-10(a), and 27-6(c) of the Annotated Code of Maryland.)

HB 43, Chapter 114, Approved 4/30/74

States that the Governor shall issue a proclamation to fill a vacancy in the House of Representatives within ten days after the vacancy occurs or becomes known to him. (Amends Article 33, §§22-1(b) of the Annotated Code of Maryland.)

HB 54, Chapter 132, Approved 4/9/74

Prohibits the use of public schools in Worcester County as polling places and allows them to remain open on primary and general election days. Amends Article 77, §76(c) of the Maryland Code.

HB 202, Chapter 188, Approved 4/9/74

Changes the deadline for the filing of a certificate of nomination to fill a vacancy which exists by reason of there being no candidate of a political party to file in a primary election to the 5th day after the date on which candidates may withdraw their candidacy before the primary election. Amends Article 33, §44-5, of the Maryland Code.

HB 203, Chapter 189, Approved 4/9/74

Requires the State Administrative Board of Election Laws to certify the names of all candidates to county election boards and the election board of the City of Baltimore not less than 65 days before a gubernatorial election. Amends Article 33, §§8-4 and 9-5 of the Maryland Code.

HB 204, Chapter 3, Approved 2/1/74

Changes the filing fees to be paid by candidates for nomination to certain offices elected by the voters of Baltimore City. Amends §4A-8 of Article 33 of the Annotated Code of Maryland.

MARYLAND CONT'D

HB 206, Chapter 190, Approved 4/9/74

Provides that election boards shall give notice of the election in specified newspaper advertisements during the week (formerly 10 days) preceding the election. Amends Article 33, §2-10 of the Maryland Code.

HB 207, Chapter 191, Approved 4/9/74

Relates to applicants found not qualified to vote. States that applicant must be advised of his right of appeal, and that the registrar must note on the back of the registration form the reason the applicant is not qualified. Amends Article 33, §3-13 of the Maryland Code.

HB 208, Chapter 192, Approved 4/9/74

Makes technical changes in Article 33, §3-20 of the Maryland Code, relating to cancellation of registration of those voters who have not voted within the past 5 years.

HB 209, Chapter 193, Approved 4/9/74

Makes Article 33, §7-1 of the Maryland Code, relating to nomination by petition, inapplicable to all school board elections.

HB 210, Chapter 194, Approved 4/9/74

Clarifies language in Article 33, §13-4 of the Maryland Code relating to recount procedures in Baltimore City.

HB 212, Chapter 195, Approved 4/9/74

Removes the limitation on the rate of interest of general obligation bonds issued by a county to finance the purchase of voting machines. Amends Article 33, §16-2 of the Maryland Code.

HB 213, Chapter 196, Approved 4/9/74

Deals with procedures for delivering return sheets and registration records to the appropriate election officials. Amends Article 33, §§16-17 and 17-1 of the Maryland Code.

MARYLAND CONT'D

HB 214, Chapter 197, Approved 4/9/74

Deletes the requirement that the Maryland Attorney General prepare blank forms necessary for registration and election officers. Amends Article 33, §25-3 of the Maryland Code.

HB 313, Chapter 91, Approved 3/23/74

Requires the board of canvassers to file copies of election returns with the Governor, with the State Administrative Board of Election Laws and the clerk of the Circuit Court for the county or to the clerk of the Superior Court of Baltimore City. Amends Article 33, §§17-3 and 17-5 of the Maryland Code.

HB 344, Chapter 881, Approved 5/31/74, Adopted by Voters 11/5/74

Amends the Maryland Constitution which would permit the General Assembly to provide by suitable enactment for voting by qualified voters who are absent at the time of any election or who are unable to vote personally.

HB 413, Chapter 883, Approved 5/31/74

Amends the Maryland Constitution making various changes relating to the presentment, signing, veto, and effective date of bills that have passed the General Assembly. For example, states that all bills passed during a regular or special session of the legislature shall be presented to the Governor for his approval no later than 20 days after adjournment. Amends Article II, §17 of the Maryland Constitution.

HB 510, Chapter 729, Approved 5/31/74

Fair Campaign Financing Act. Adds new §§30-1 through 30-10 to Article 33 of the Annotated Code of Maryland.

Expenditure Limitations: Sets the following expenditure limitations:

## MARYLAND CONT'D

	<u>Primary</u>	<u>General</u>
	(Cents per person by population of the area in which the election is to be held)	
Governor/Lt. Governor	10	10
Attorney General	2.5	2.5
Comptroller	2.5	2.5
State Senator	10	10
House of Delegates	5	5
State's Attorney	Greater of 2.5 or \$2,500	2.5 or \$2,500
Other State Offices	Greater of 1 or \$1,000	1 or \$1,000
County Executive	Greater of 7.5 or \$5,000	7.5 or \$7,500
Mayor, Baltimore City	Greater of 7.5 or \$5,000	7.5 or \$7,500
President, City Council of Baltimore City; Comptroller, Baltimore City	5	5
County Council, Baltimore City Council, or other Baltimore City-Wide or County-Wide Offices	Greater of 2.5 or \$2,500	2.5 or \$2,500
Other County Offices, Including School Boards	Greater of 1 or \$500	2.5 or \$500
Publically Elected Political Party Offices	Greater of 0.5 or \$1,000	-NOT APPLICABLE-

These limits will be adjusted to reflect annual changes in the rate of inflation or deflation as indicated by the Consumer Price Index on January 1 of each year. The base for this adjustment will be the consumer price index at the end of the first quarter of calendar year 1974.

MARYLAND CONT'D

Cash expenditures in excess of \$25 to any single recipient are prohibited.

Expenditures by a Political Party: Permits a political party in a general election to spend in support of a candidate of the political party the greater of \$250 or one-fourth cent per person for the population in the area from which the candidate seeks to be elected. This is in addition to the expenditure limit set forth above.

Fair Campaign Financing Fund: Creates a Fair Campaign Financing Fund to be administered by the Comptroller. This Fund shall be allocated as follows: (1) 25% for campaigns for state-wide election; (2) 40% for campaigns for election to the General Assembly; (3) 35% for campaigns for election to any other office for which an expenditure limitation is provided above. However, no money from the Fund is to be used to finance a publicly elected political party office. Sets forth qualifications for participation in this funding.

Amounts of Public Contribution: States that a candidate is entitled to receive for each private campaign contribution of not more than \$50 from each individual person matching payments in the following ratios for candidates for (1) State-wide Office: a \$3 public contribution for each \$1 of eligible private contributions, but the total may not exceed an amount equal to 75% of the maximum primary election limit provided above. (2) Non-state-wide Office: a \$2 public contribution for each \$1 of eligible private contributions, but the total may not exceed an amount equal to 66 and two-thirds percent of the maximum primary election limit provided above.

Conditions on a Public Contribution: States that a public contribution may be expended only (1) with the authority of the candidate or his treasurer; (2) to further the candidate's nomination or election; (3) for expenses incurred not later than 30 days after the election for which these were made; and (4) for purposes that are not violative of state law. Requires any unspent portion of a public contribution to be repaid to the comptroller for redeposit in the fund not later than 60 days following the election for which they were granted. When computing these unspent portions, it shall be assumed that all private contributions were spent prior to any expenditure of public funds.

Fair Campaign Financing Commission: Sets up a nine member Fair Campaign Financing Commission with members serving five year terms. States that no officer or employee of the state or any of its subdivisions, or candidate for public or party office, is eligible to serve on the Commission. Gives the Commission power to enforce this law.



MARYLAND CONT'D

Penalty for Violations: States that on conviction of each violation of this subtitle, the violator shall be fined not more than \$5,000 or imprisoned for not more than one year, or both. Also, on conviction, a person shall be prohibited from holding office for a period of five years.

Fair Campaign Financing Contribution: Permits each individual, other than a nonresident alien, who files a personal state income tax return for the taxable year beginning January 1, 1975, and each taxable year thereafter, to designate by a check-off system that he will pay \$2 in addition to the income tax paid during the taxable year which shall be credited to the fair campaign financing fund.

Study Commission: Requires the Governor to appoint a task force to conduct a broad study of and make recommendations concerning potential problem areas of public financing of political campaigns. The task force shall consist of 25 members and shall issue a written report to the Governor of Maryland and to the Speaker of the House of Delegates and the President of the Senate concerning its findings on or before December 25, 1974.

HB 742, Chapter 290, Approved 4/30/74

Relates to political activity by corporations.

Limitation on Corporate Contributions: Makes it unlawful for any individual, association, unincorporated association, corporation, or any other entity either directly or indirectly to contribute any money or thing of value greater than \$1,000 to any candidate or to contribute money in excess of \$100 except by check in any primary or general election. States that total contributions by a contributor under this law shall not exceed \$2,500 in any primary or general election.

Disclosure by Persons Doing Public Business.

Definitions: Defines "business" as "any one or combination of sales, purchases, leases or contracts involving consideration of \$10,000 or more on a cumulative basis over the twelve month period immediately preceding the end of a reporting period." States that "candidate" includes an incumbent officeholder and a political committee for a candidate. Defines "contribution" as "any gift, donation or payment of money in excess of \$100." It includes the purchase of a

MARYLAND CONT'D

ticket or tickets, or payment for admission to a dinner, barbeque, fish fry, or other like event. It does not include a bona fide gift by a spouse or relative within the third degree of consanguinity, or apply to honorary memberships in a social service or fraternal organization presented as a courtesy by the organization.

Reporting Requirements: States that every person who has done business with the state, or with a political subdivision of the state, during a reporting period, shall file a statement with the Secretary of State if during that filing period he made or caused to be made a contribution to a candidate for an elected office of the state or a political subdivision. The statement shall be under oath and shall contain the name of all candidates to whom a contribution was made and the office for which each candidate sought election; the amount of the aggregate contributions to each candidate; the name of each agency of the state or political subdivision with which the person did business; and the nature and amount of business done with each such agency. The statements shall be filed on or before each September 1 and shall be for a reporting period of 12 months ending the preceding July 31. The statements shall be retained as a public record for at least two years after the date of receipt and shall be available for examining and copying during that period.

Contributions by Officers: Requires each officer, director, and partner of a business entity who makes or causes to be made a contribution which, if made by the business entity, would have to be disclosed, to report the contribution to the chief executive officer of the business so that it may be included in the statement filed by the business entity. Places similar requirements on employees, agents, or other persons who make such contributions at the suggestion or direction of the business entity.

Subsidiary Corporation: States that business done with the state or a political subdivision by a subsidiary business entity (one in which the parent company controls 30% or more of the equity) shall be included in the statement filed by the parent. Contributions caused to be made or attributed to the subsidiary shall likewise be included in the statement filed by the parent.

MARYLAND CONT'D

Construction: States that the act shall be liberally construed to require full disclosure.

HB 803, Chapter 463, Approved 4/30/74

Adds Baltimore County to those areas which allow voter registration by mail. (Amends Article 33, §3-1(c) of the Annotated Code of Maryland.)

HB 885, Chapter 473, Approved 4/30/74

Illegal Electioneering - States that, in Anne Arundel County, no person may canvass, electioneer or post any campaign literature and material on election day in a polling place or within a 300 foot radius from the entrance and exit of the building closest to that part of the building in which voting occurs. (Amends Article 33, §24-23(a)(4) of the Annotated Code of Maryland).

HB 1239, Chapter 520, Approved 4/30/74

Adds Anne Arundel County to those areas allowing voter registration by mail. (Amends Article 33, §3-1(c) of the Annotated Code of Maryland.)

Question No. 6, Adopted 11/5/74

Amends the Constitution by changing the residency requirements for candidates for state offices.

MASSACHUSETTS

SB 498, Chapter 197, Approved 5/8/74

States that those voting by absentee ballot can mail their ballots to any municipality they designate. Amends §89 of Chapter 54 of the Massachusetts General Laws.

SB 905, Chapter 776, Approved 8/8/74

Requires the state secretary to provide bilingual, English-Spanish copies of the affidavit of registration to city and town clerks, registrars of voters and election commissioners, who must then provide these forms to Spanish-speaking applicants. Amends §36 of Chapter 51 of the Massachusetts General Laws.

## MASSACHUSETTS CONT'D

HB 1005, Chapter 79, Approved 4/3/74

Provides that voters may establish, change or cancel their party registration up to 28 days before a state or presidential primary and up to 20 days before a special state primary or town or city primary, with the change to become effective on the date of the particular primary. Amends Chapter 543, §38, of the Massachusetts General Laws.

HB 1772, Chapter 62, Approved 3/29/74

Repeals the law limiting the number of signatures of voters of any one county on state-wide recount petitions. (Amends Chapter 54, §135, of the General Laws.)

HB 1955, Chapter 1, Approved 1/29/74

Provides for the dissolution of certain political committees. Provides that the state secretary, within thirty days of the effective date of this Act, shall notify by registered mail, return receipt requested, any non-elected political committee which is in existence on the effective date as to the provisions of this Act. Any such non-elected committee may file a statement of organization as required by section four of chapter fifty-five of the General Laws, within fourteen days after the receipt of such notification; provided, however, that if no such statement is filed, said non-elected political committee shall be considered to have been dissolved.

HB 3104, Chapter 169, Approved 5/2/74

Permits a voter to, at his option, use a middle name or initial whenever the signature must be certified by a board of registrars of voters. Amends Chapter 53, §7 of the Massachusetts General Laws.

HB 3500, Chapter 285, Approved 6/3/74

Prohibits the solicitation of votes and the distribution of campaign literature in offices used for voter registration. Amends Chapter 51, §52 of the Massachusetts General Laws.

HB 3906, Chapter 111, Approved 4/11/74

Provides that a naturalized citizen registering to vote may produce his naturalization papers for inspection, and such production shall be noted on his registration. Adds a new §45A to Chapter 51 of the Massachusetts General Laws.

MASSACHUSETTS CONT'D

HB 4263, Chapter 378, Approved 6/21/74

Repeals an obsolete provision of the law relative to the eligibility to vote of veterans living the Soldiers' Home in Chelsea. Amends §4 of Chapter 51 of the Massachusetts General Laws.

HB 4264, Chapter 71, Approved 4/1/74

Simplifies the definition of "pauper" when determining voter qualifications. (Amends Chapter 51, §1, of the General Laws.)

HB 4464, Chapter 800, Approved 8/12/74

Qualifications to Vote: Repeals the requirement that certain federal service personnel must produce naturalization papers upon making application for an absentee voting ballot and demonstrate an ability to read and write before voting. Amends §§103E, 103J, and 103 O of Chapter 54 of the Massachusetts General Laws.

HB 4670, Chapter 131, Approved 4/19/74

Relates to the order of names of candidates on voting machines. Amends Chapter 54, §33 of the Massachusetts General Laws.

HB 4855, Chapter 188, Approved 5/6/74

Changes the penalties for those registrars who knowingly register those not qualified to vote, refuse to register qualified voters, etc., to a fine of not more than \$1,000 or imprisonment for not more than one year. Amends Chapter 56, §2 of the Massachusetts General Statutes.

HB 4859, Chapter 132, Approved 4/19/74

Reduces to seventeen the age at which certain persons are required to give their true names to a registrar of voters or certain other listing officials. Amends Chapter 51, §4 of the Massachusetts General Laws.

HB 5034, Chapter 172, Approved 5/2/74

Expands voter registration sessions for municipal elections. Amends Chapter 51, §42B of the Massachusetts General Statutes.

MASSACHUSETTS CONT'D

HB 5409, Chapter 788, Approved 8/8/74

Lowers the residential qualifications for voting for presidential electors from 29 to 28 days. Amends §1A of Chapter 51 of the Massachusetts General Laws.

HB 5412, Chapter 189, Approved 5/6/74

States that registrars shall provide statements of party enrollment in certificates issued to voters whose names have been omitted from voting lists. Amends Chapter 52, §59 of the Massachusetts General Statutes.

HB 5414, Chapter 175, Approved 5/2/74

States that registrars of voters must hold a session for the registration of voters on the Saturday preceding the final day for registration. Amends Chapter 51, §31 of the Massachusetts General Laws.

HB 5464, Chapter 113, Approved 4/11/74

Provides that voter registration officials shall annually in January or February visit or communicate with the residents of every building in their district to obtain a true listing of every person aged seventeen or older residing therein. Amends Chapter 51, §4 of the Massachusetts General Laws.

HB 5466, Chapter 67, Approved 3/29/74

Requires county clerks to distribute copies of annual street lists to the chairmen of all city and town committees. Amends Chapter 51, §7 of the General Laws.

HB 5470, Chapter 632, Approved 7/26/74

Requires each voter of the preceding year whose name has not been entered in the annual register of the current year to be notified in writing of this status on or before the first Monday of June in each year. States that a list of the names compiled shall be open to public inspection in the registrar's office and may, in addition, be published in a newspaper devoted wholly or chiefly to the publication of local or general news. Amends §37 of Chapter 51 of the Massachusetts General Laws.

MASSACHUSETTS CONT'D

HB 5472, Chapter 200, Approved 5/8/74

States that each voter signing a nomination paper shall state his residence on the preceding January 1, or when registered, if subsequent thereto, and the place where he is then living, if different from the above. (Amends §7 of Chapter 53 of the Massachusetts General Laws.)

HB 5496, Chapter 190, Approved 5/6/74

States that if a person registers too late to vote in a certain election, such person, if otherwise qualified, shall be registered and his name placed on the voting lists as a registered voter for all later elections. Amends Chapter 51, §26 of the Massachusetts General Statutes.

HB 5497, Chapter 133, Approved 4/19/74

States that original affidavits of registration, or microfilm copies, shall be preserved and deemed to be public records. Amends Chapter 51, §41 of the Massachusetts General Laws.

HB 5528, Chapter 123, Approved 4/19/74

Relates to solicitation of campaign contributions on behalf of certain public employees. Provides that the soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a nonelected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person. However, no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is subject to his official responsibility. Amends Chapter 55, §11 of the Massachusetts General Laws.

MASSACHUSETTS CONT'D

HB 5599, Approved 5/13/74

Orders the Legislative Research Council to investigate and study the subject matter of various house documents relating to the right to vote of those confined in penal institutions or institutions for the treatment of the mentally ill or mentally retarded.

HB 5623, Chapter 147, Approved 4/30/74

Requires voters receiving absentee ballots in person to mark or punch the ballot in the presence of an election clerk, his assistant, or a notary public in the clerk's office.

HB 5645, Resolve 26, Approved 6/11/74

Increases the scope of the special commission established to make an investigation and study relative to the needs of certain handicapped persons to include methods to facilitate voting by the handicapped.

HB 5827, Chapter 272, Approved 5/28/74

States that if, in a town of five precincts or less, all of which are located in one building, the selectmen so vote, only one warden need be appointed to supervise all such precincts, and the number of inspectors shall be determined by the selectmen, without disturbing the balance between the political parties. There shall, however, be one clerk appointed for each such precinct. Amends Chapter 54, §12 of the Massachusetts General Statutes.

HB 5858, Res. Chapter 40, Approved 6/21/74

Increases the scope of the special commission established to study various election laws to include additional topics, including public financing.

HB 5969, Adopted 5/30/74

Authorizes the Committee on Election Laws to sit during the recess of the general court for the purpose of making an investigation and study of the subject matter of various pending house documents.



MASSACHUSETTS CONT'D

HB 6428, Resolve 80, Approved 3/2/74

Increases the membership of the Special Commission established to make an investigation and study of campaign finance laws by four members of the Senate and eleven members of the House of Representatives.

HB 6561, Chapter 709, Approved 8/5/74

Clarifies the procedure by which state-wide candidates report campaign contributions by replacing "state secretary" with "director" in various subsections of §17 of Chapter 55 of the Massachusetts General Laws.

HR 6136, Adopted 8/1/74

Orders the Legislative Research Council to make a study and investigation relative to the recognition and organization of third or minor political parties, especially with regard to the possibility of their receiving public funds for campaign purposes, and file the results of this study on or before the last Wednesday of November, 1974.

Question No. 5, Adopted 11/5/74

Establishes an independent Corrupt Practices Commission to investigate candidates' compliance with all state and federal laws relating to political campaign contributions and expenditures.

MICHIGAN

SB 1016, Public Act 272, Approved 10/2/74

Michigan Campaign Financing and Reporting Act. Adds §§901a through 929 to the Michigan Compiled Laws of 1970 and repeals inconsistent sections.

Application: Applies to candidates for any national, state, county, city, multiple county, village, township, ward, school, judicial or other district election filled by public election.

STATE SESSION LAWS

MICHIGAN CONT'D

Political Depositories: Requires each candidate to name a single campaign treasurer, and each candidate or committee to have a single campaign or committee depository. Requires other committees or individuals contributing to a campaign in kind goods or services to notify the campaign treasurer 10 days prior to the next reporting deadline.

Political Treasurer: Requires each candidate or political committee to appoint a political treasurer, a qualified elector of the state, and file his name with a designated filing officer.

Out of State Contributions: Prohibits out of state contributions in excess of \$100, unless accompanied by a written statement listing the name, address, and amount contributed by each contributor.

Organizational Statements: Requires detailed organizational statements to be filed with specified filing officers within 10 days after the organization of any political committee (90 days after the effective date of this Act for committees currently in existence.) Permits committees required to file statements under the Federal Elections Reform Act of 1971 (2 U.S.C. §§431-454) to file duplicates with specified filing officers in lieu of the above. Requires amendments and corrections to be filed within 10 days after occurrence of the event necessitating the change.

Cash Contributions: Prohibits cash contributions in excess of \$10 at a fund raiser or sale of merchandise, or \$15 by an independent committee, unless the political treasurer includes the name and address of the contributor, and the amount of each such cash contribution received. States that anonymous cash contributions shall escheat to the state.

Reporting Requirements: Requires Independent Committees to file on January 1 of each year, and by the 10th day before and 20th day after each election in which they were involved. Requires other political committees to file on January 10th of each year, and by the 10th day before and the 20th day after each election in which they were involved. Sets the accounting date for each report at 10 days prior to the filing deadline.

Contents of Reports: Requires each committee to list the name and address of each contributor giving over \$15 in the aggregate in a calendar year, with the occupation and principal place of business

## MICHIGAN CONT'D

for those contributing over \$200. Requires all expenditures of more than \$25 to be listed, with the name and address of the recipient, and the general purpose of the expenditure. Permits committees to specify "get out the vote" and voting registration expenditures."

Recordkeeping Provisions: Requires all records to be maintained for a period of 3 years, but permits them to be microfilmed after 2 years.

Corporate Contributions: Prohibits any corporate contributions (except from a corporation formed for political purposes). Sets the following penalties for violation of this Act: Corporations: \$1,000 to \$10,000 fine, and a penalty payment of 3 times the value of the contributions. Individuals involved in the illegal transaction: \$100 to \$2,000 fine, up to one year in prison, or both.

Duties of Elections Division: Gives various duties to the State Elections Division, including the preparation and publishing of a campaign manual to be sold for \$2.00.

Audits: Gives the Division of State Elections the authority to conduct audits on the complaint of any citizen. Requires them to notify the State Attorney General when irregularities are found.

Penalties for Violation of the Act: Makes violation of this Act a misdemeanor, subject of a fine of up to \$1,000 for individuals and up to \$5,000 for non-individuals.

Expenditure Limitations: Sets the following expenditure limitations, for each election (primary, general or special) in which a candidate is involved:

Governor and Lt. Governor: 40 cents times the total number of votes cast for Secretary of State in the last election.

Secretary of State: 16 cents times the total number of votes cast for Secretary of State in the last election.

Attorney General: Same as Secretary of State.

Justices of the State Supreme Court: 8 cents times the total number of votes cast for Secretary Of State in the last election.

MICHIGAN CONT'D

State Board of Education, Regents of the University of Michigan, Trustees of Michigan State University, and the Governor of Wayne State University: 3 cents times the number of votes cast for Secretary of State in the last election.

State Senator: 1 cent times the total number of votes cast for Secretary of State at the last election.

State Representative: one-half cent times the total number of votes cast for Secretary of State at the last election.

NOTE: Party organizations are not included in these limitations. A party may spend up to 50 cents times the total number of votes cast for Secretary of State at the last election in addition to the limits enumerated above.

Effective Date: Sets the effective date as the date after the rules and regulations required to be promulgated by the Elections Division are adopted and approved. Requires these to be promulgated by January 1, 1975.

HB 4998, Approved 7/2/74

Permits those 62 years of age or over to vote by absentee ballot. Amends §§168.758 and 168.759 of the Michigan Compiled Laws of 1970.

HB 5556, Public Act 273, Approved 10/2/74

Sets procedures to be used in case of the death or withdrawal of a candidate for township office or the office of county commissioner. Amends §168.198 of the Michigan Compiled Laws of 1970.

MINNESOTA

SF 735, Chapter 312, Approved 3/28/74

Contest of Elections - Provides that, when the notice of a contest questions only which candidate received the highest number of votes legally cast at the election, the contestee may also serve notice of the contest on any other ground during the three days following expiration of the time for appeal after the filing of the final order

MINNESOTA CONT'D

of the district court on the contest relating to the number of votes.  
Amends §209.02 of the Minnesota Statutes 1971.

Canvass of Returns - Provides for various amendments to §§204.29 and 204.31 of the Minnesota Statutes 1971 relating to various aspects of county and state canvasses at primary and general elections. Provides that, if the difference between the votes of two or more candidates for legislative office which lies within a single county is 100 or less and the difference determines one or more nominations, the canvassing board shall recount the votes.

Certificates of Election - Provides that no certificate of election shall be made or delivered while a recount is being done by a canvassing board because the difference between votes is 100 or less.  
Amends §204.32 of the Minnesota Statutes 1971.

SF 1522, Chapter 48, Approved 2/13/74

Provides that candidate for election to the United States House of Representatives and Senate and any political committees raising funds and making expenditures exclusively on behalf of any one of those candidates may file copies of their federally required disclosures in lieu of those required by §211.20 of the Minnesota Statutes relating to fair campaign practices.

SF 1713, Chapter 409, Approved 4/10/74

Proposes an amendment to the Minnesota Constitution in all its articles; reforms its structure, style, and form.

Article IV - Legislative Department - Provides that representatives shall be chosen for a term of two years, except to fill a vacancy and that senators shall be chosen for a term of four years except to fill a vacancy. Provides that there shall be an entire new election of all senators at the first election of representatives after each new legislative apportionment. Provides for the various qualifications for senators and representatives. Prohibits senators and representatives from holding any other office under the authority of the United States or the State of Minnesota except that of postmaster or of notary public.

MINNESOTA CONT'D

Article VII - Elective Franchise - Provides that every person 18 years of age or more who has been a citizen of the United States for three months and who has resided in the precinct for 30 days next preceding an election shall be entitled to vote in that precinct.

SF 2817, Chapter 391, Approved 4/15/74

Provides for the filing of nominating petitions with the county auditor for offices to be voted on in a single county. Amends §202.13 of the 1971 Minnesota Statutes.

SF 2818, Chapter 45, Approved 4/10/74

States that candidates for elective office must reside for 30 days prior to the general election in the districts from which they seek election. Amends §202.04(1) of the Minnesota Statutes, 1973 Supplement.

SF 2910, Chapter 169, Approved 3/15/74

Provides for the preparation, furnishing, and disposition of tally books and returns. Amends §§204.18, 204.24, and 204.25 of the 1971 Minnesota Statutes.

SF 2970, Chapter 337, Approved 3/28/74

Makes various changes in the governing procedures of cities without home rule charters. Amends various provisions of §§205 and 412 of the Minnesota Statutes.

SF 3037, Chapter 139, Approved 3/13/74

Prohibits political activities by labor mediators. States that any mediator found to have engaged in such activities shall be removed from his office or position of authority. Amends §179.03 of the Minnesota Statutes 1971.

SF 3408, Chapter 301, Approved 3/27/74

Provides for a single joint vote for the offices of Governor and Lieutenant Governor. Amends §208.07 of the Minnesota Statutes.

SF 3434, Chapter 583, Approved 4/11/74

Relates to registration of voters in political subdivisions which did not have permanent registration as of July 1, 1973. Amends Minnesota Statutes, 1973 Supplement, §§201.061 and 201.071.

MINNESOTA CONT'D

HF 47, Chapter 457, Approved 5/12/74

Proposes an amendment to the Minnesota Constitution, Article XIV, §1 of Article IX, §1. Provides that if 55 percent of all the electors voting on the question or a majority of all the electors voting at the election vote for alterations or amendments, the same shall be valid to all intents and purposes as a part of this Constitution.

HF 818, Chapter 250, Approved 3/26/74

Provides that certain acts shall be unlawful when transporting voters to and from polls, such as inducing or persuading any voter to vote or refrain from voting for any candidate or any measure and displaying any campaign cards or campaign literature of any kind. Also makes it unlawful for any candidate to transport any voter other than a member of his household to or from the polls on primary or election day. Amends §211.141 of the Minnesota Statutes.

HF 951, Chapter 470, Approved 4/12/74

Campaign Financing and Disclosure Act

State Ethics Commission: Creates a six member State Ethics Commission, appointed by the Governor with the concurrence of the Senate (three-fifths vote), to enforce state campaign statutes. The Commission also prescribes forms for statements and reports required under these laws, issues advisory opinions, inspects all filed materials, etc. It has the power to issue and serve subpoenas, and can apply to the district court for the issuance of an order compelling compliance. Those failing to comply can then be cited and punished for contempt of court.

## MINNESOTA CONT'D

into categories specified by the commission; each honorarium, gift or loan (excluding campaign contributions) to any public official equal in value to \$20 or more; and each original source of funds in excess of \$500 in any year used for the purpose of lobbying.

Contingency fee arrangements are prohibited.

Conflicts of Interest: Requires any public official who in the discharge of his official duties would be required to take an action or make a decision which would substantially affect his financial interests or those of a business with which he is associated, to alert the Commission and his immediate supervisor, if any, of the conflict and if possible disassociate himself from the matter. If the public official is a legislator, the house of which he is a member may, at his request, excuse him from taking part in the action or decision in question.

Representation Disclosure: Requires any public official who represents a client for a fee before any board or commission of the state to disclose his participation in the action to the Commission within 14 days after his appearance.

Statements of Economic Interest: Must be filed within 60 days of accepting employment as a public official or within 14 days after filing an affidavit of candidacy or petition to appear on the ballot for an elective public office (judicial candidates excepted). The individual filing must list his name, address, occupation and principal place of business; the name of each business with which he is associated and the nature of that association; and a listing of all real property within the state in which he has an interest valued in excess of \$2,500. Supplementary reports must be filed on April 15 of each year. Those failing to file shall be suspended without pay.

Organization of Political Committees: Requires every political committee to have a chairman and a treasurer, who may be the same person. The treasurer may designate not more than two depositories in each county in which a campaign is conducted, and funds shall not be commingled. Committees shall be financed solely through voluntary donations by natural persons or political funds.

Accounts Which Must Be Kept: Requires the treasurer of each political committee or political fund to keep an account of the sum of all contributions except any contribution in kind valued at less than \$20 made to or for the political committee or political fund; the name and



## MINNESOTA CONT'D

address of any person making a contribution in excess of \$20, and the date and amount; and all expenditures made by or on behalf of the committee or fund. Receipts must be received for expenditures over \$100, either singly or in aggregate.

Registration of Political Committees and Political Funds: Must be filed no later than 14 days after the committee or political fund received contributions or made expenditures in excess of \$100. The statement of organization must include such things as the name and address of the committee, its principal officers (including all deputy treasurers), any candidate(s) it is sponsoring, and whether it is a continuing committee or fund.

Anonymous contributions in excess of \$20 are prohibited.

Contributions must be reported to the treasurer and deposited in a designated fund within 14 days.

Earmarking: Requires treasurers to disclose the ultimate recipient of all such funds, the original source of the funds, and the fact that they are earmarked.

Expenditures of \$20 or more cannot be made unless authorized by a campaign treasurer, although petty cash disbursements of not more than \$100 per week without such authorization are permitted.

Campaign Reports: Must be filed on January 7 and July 7 of each year, 5 days before any election in which the candidate stands for election, and 30 days after the last election in which a candidate stands for election (also 30 days before any special primary or special election at which the candidate stands for election). Requires detailed information as to all contributions and expenditures, aggregate totals, expenditure breakdowns, loans, etc. Every person, other than a political committee or political fund, who makes expenditures other than by contribution to a political committee or political fund, of more than \$100 within a year must file a statement detailing these expenditures on the next date specified above.

MINNESOTA CONT'D

Any contribution totaling \$2,000 or more in a state-wide election or \$200 or more in a legislative election received after the period covered in the last report prior to an election and prior to the election must be reported to the Commission within 48 hours after its receipt and in the next required report.

Reports to County Auditor: Requires all reports or statements that must be filed with the Commission to also be filed with the county auditor of each county in which the legislative district lies. These reports are to be retained for 4 years.

Changes and Corrections must be reported in writing to the Commission within 10 days following the date of the event prompting the change.

Dissolution or Termination cannot occur until the political committee or fund has settled all of its debts and filed a termination report.

Limits on Campaign Expenditures: Sets the following limitations on campaign expenditures:

- for governor and lieutenant governor, running jointly, twelve and one half cents per capita or \$600,000, whichever is greater;
- for attorney general, two and one half cents per capita or \$100,000, whichever is greater;
- for secretary of state, state treasurer, and state auditor, separately, one and one fourth cents per capita or \$50,000, whichever is greater;
- for state senator, 20 cents per capita or \$15,000, whichever is greater;
- for state representative, 20 cents per capita or \$7,500, whichever is greater.

The penalty for exceeding limitations is 4 times the amount by which expenditures exceeded the limitation.

Designation of Income Tax Payments: Permits taxpayers to designate \$1 of their tax liability to a state elections campaign fund. This fund is used to finance state elections campaigns on a proportionate basis (40% for state-wide offices).

Tax credit: Provides for a tax credit of 50% but not more than \$12.50 (\$25 for a married couple filing a joint return) of contributions to political parties or candidates, of which not more than \$5

## MINNESOTA CONT'D

in the case of an individual return or \$10 in the case of a joint return shall be for contributions to a political party.

Advertising rates for candidates shall not exceed the charges made for any comparable purpose or use.

Penalties are set forth for the violation of various provisions of this Act.

Applicability: Applies to every individual who seeks nomination for election or election to any state-wide office or legislative office, other than a federal office for which candidates are required to report under federal laws.

HF 1504, Chapter 55, Approved 2/15/74

Requires that public buildings opened for the purpose of receiving registration cards shall remain open until 9 p.m. on the last registration day and for at least two days not including Saturdays, Sundays, and legal holidays immediately preceding the last registration day, and also remain open from 10 a.m. to 4 p.m. on the Saturday immediately preceding the last registration day. Amends §201.091, subdivision 6 of the Minnesota Statutes.

HF 2405, Chapter 434, Approved 4/10/74

Requires each election clerk to file with the Secretary of State a map showing the correct boundaries of the precinct in his district. At least 30 days before any changes in precinct boundaries become effective, the clerk must file a map setting forth the revised precinct boundaries. Amends §203.06(1) of the 1971 Minnesota Statutes.

HF 2715, Chapter 509, Approved 4/11/74

Precinct Caucuses - Provides that no school board, county board of commissioners, township board, village council or city council may conduct a meeting after 7:00 p.m. on the day of a political party precinct caucus. Grants employees time off from work during precinct caucuses. Makes public schools available for precinct caucuses.

## MINNESOTA CONT'D

HF 2789, Chapter 41, Approved 2/5/74

Electors - Provides that a petition for nomination of a candidate be signed by electors resident within the district or political division from which the candidate is presented according to the following: (a) one percent of the total number of persons voting in the state at the last preceding general election, or 2,000, whichever is the lesser, for a state office on a state ticket; (b) five percent of the total number of persons voting in the district at the last preceding general election, or 1,000, whichever is the lesser, for a congressional or judicial office; (c) ten percent of the total number of persons voting in the county, ward or other election district at the last preceding general election, or 500, whichever is lesser, for a county or legislative office; and (d) two percent of the total number of persons voting in the municipality, or other election district at the last preceding municipal general election, or 500, whichever is greater for a municipal office in a city of the first class.

HF 2848, chapter 439, Approved 4/10/74

Permits more than one ballot box to be counted at one time if sufficient judges are available to provide counting teams of four or more judges evenly divided between the political parties for each box. Amends §204.19(2) of the 1971 Minnesota Statutes.

HF 2985, Chapter 120, Approved 3/13/74

Provides that, on or before July 1 of every even-numbered year, the Secretary of State shall furnish to the county auditors sufficient copies of the Minnesota Election Law. Amends §203.16, subdivision 2 of the Minnesota Statutes 1971.

HF 3276, Chapter 259, 3/26/74

Makes various technical amendments to the statutes relating to absent and disabled voters. Provides for designation by county auditors of municipalities where applications for absentee ballots may operating under the "Australian Ballot System." Makes various technical amendments relating to the statutes concerning absentee voting for members of the armed forces. Amends §§207.03, 207.19, and 207.20 of the Minnesota Statutes, and adds §207.15.

MINNESOTA CONT'D

HF 3395, Chapter 264, Approved 3/26/74

Relates to the filing of vacancies in the legislature. Provides that if any vacancy in the legislature occurs after the last day of the session in odd-numbered years but more than 33 days prior to the date set for convening the legislature in the next even-numbered year, the Governor shall call for a special election to be held at such time as to insure that the person elected can take office at the opening of the next session of Congress or the legislature, or at the reconvening of a session of Congress or the legislature. Amends §203.45(3) of the Minnesota Statutes.

MISSISSIPPI -----

MISSOURI

SJR 15, Adopted 4/25/74, Approved by Voters 11/5/74

Proposed constitutional amendment, approved by the people at the November election, lowering the voting age to 18 years for all elections. Amends Article VIII, §2 of the Missouri Constitution.

SB 395, Act 67, Approved 6/12/74

Declarations of candidacy - Provides that declarations of candidacy shall be accompanied by a sworn affidavit that the information contained in the declaration of candidacy is, to the best knowledge of the person making it, true. The affidavit shall be sworn to and subscribed before the officer authorized to accept the filing of the written declaration of candidacy. Provides that any person who signs the affidavit accompanying a declaration of candidacy knowing that the statements made in the declaration are untrue is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law. Amends §102.340 of the Revised Statutes of Missouri.

SB 442, Act 92, Approved 6/21/74

Initiative and referendum procedures - Provides that the Secretary of State shall have specific authority to determine the validity of

signatures upon petitions submitted to his office and shall have the authority to not count those which are, in his opinion, forged or fraudulent signatures. For the purpose of making such determination, the Secretary may consult public records, including voter registration records, for signature comparison. Names stricken from the petition lists for the reason of forgery or fraud shall be stricken within 30 days of receipt of the petition lists by the Secretary of State, and shall be noted upon the petition and the Secretary of State shall notify by mail, postmarked not later than three days after the names are stricken, the individual or group who submitted the petition of the action taken by him. Within ten days after receiving the notice from the Secretary of State, the individual or group submitting the petition may bring an action in the Circuit Court of Cole County to compel the Secretary of State to show cause why the names were so stricken. If notice is not given by the Secretary of State, his action in striking the names from the petition shall be void and of no effect. Amends §126.081 of the Revised Statutes of Missouri.

HB 1332, Approved 4/17/74

Relates to the salaries of election commissioners and other employees of election boards. Amends §118.20 of the Revised Statutes of Missouri, 1973 Supplement.

MONTANA

SB 522, Chapter 100, Approved 3/11/74

States that a registrar may destroy voted ballots and their stubs, and unused ballots, 12 months after the election, if there is no election recount or contest. Permits him to do this by burning, shredding or burial in a sanitary landfill. Amends §23-4007 of the Revised Code of Montana.

SB 609, Chapter 108, Approved 3/11/74

Requires the Department of Administration to have printed a true copy of each initiative and referendum measure no later than 5 weeks prior to the election. Requires the Secretary of State to distribute these to county clerks no later than 4 weeks prior to the election, and the clerks to mail one to each registered voter no later than 2 weeks before the election. Amends §§37-104.1, 37-105, and 37-107 of the Revised Code of Montana.

MONTANA CONT'D

SB 615, Chapter 109, Approved 3/11/74

Changes the regular school election day from the first Saturday in April of each year to the first Tuesday of April of each year. Amends §§75-6404 and 75-5912 of the Revised Code of Montana.

HB 478, Chapter 217, Approved 3/15/74

Prohibits political committees from expending or contracting to expend any funds until 15 days after a notarized organizational statement has been filed with the proper official (Secretary of State) for measures submitted to voters of the state, or involving state or district offices of districts composed of one or more counties, or involving candidates to the legislature. Adds §23-4723.1 to the Revised Code of Montana.

HB 479, Chapter 3, Approved 1/28/74

Provides that registration cards shall be numbered consecutively in order of receipt through the close of registration prior to the 1974 general election; thereafter, registration cards may, at the discretion of the county clerk and recorder, be numbered with the elector's social security number, and such number shall be the registry number. Amends §23-3005 of the Revised Code of Montana 1947.

HB 681, Chapter 257, Approved 3/21/74

Extends the voting franchise to all owners, lessees, and residents of real property within county water and sewer districts. Amends §§16-4505 through 16-4508 and §16-4520 of the Revised Code of Montana.

HB 692, Chapter 259, Approved 3/21/74

Deletes the requirement that proposed public housing projects be approved by popular election. Amends §§35-109 and 35-129 of the Revised Code Montana.

HB 890, Chapter 263, Approved 3/21/74

Creates a gubernatorial campaign fund. Allows a taxpayer to designate \$1 of his tax liability to that fund. Provides that monies

## MONTANA CONT'D

be paid from the fund to the treasurer of each qualifying political party to be used for gubernatorial campaign expenses.

Provides that the use of monies from the fund by anyone for any purpose other than the legitimate campaign expenses of a candidate for governor is an offense and is punishable by imprisonment for not more than one year, or by a fine of not more than \$5,000 or by both.

### HB 926, Chapter 162, Approved 3/11/74

Provides for a presidential preference primary to be held in years in which a president of the United States is elected, to be held on the same day as the regular primary. Adds §§23-3322 through 23-3328 to the Revised Code of Montana.

### HB 947, Chapter 169, Approved 3/11/74

Provides that the commissioners shall make an order designating the polling place for each precinct, at the session at which election judges are appointed. Such orders may provide for polling places to be located outside the boundaries of the precinct.

Not more than 10 nor less than 3 days before an election, the registrar or City Clerk shall publish in a newspaper of general circulation in the county, a statement of the locations of the precinct polling places. Amends §23-3103 of the Revised Code of Montana.

### HB 1081, Chapter 229, Approved 3/15/74

Allows a taxpayer a limited deduction for adjusted gross income for political contributions. Defines "political contributions" to mean a contribution or gift of money to:



## NEBRASKA

LB 614, Approved 3/22/74

Relates to corrupt practices. Makes it unlawful to give or accept cash as a campaign contribution except as prescribed.

Definition of candidate - Defines candidate to mean any individual who seeks nomination for election or election to the office of Governor, Lieutenant Governor, Auditor of Public Accounts, Secretary of State, Attorney General, State Treasurer, Public Service Commissioner, member of the State Board of Education, member of the Board of Regents of the University of Nebraska, member of the Legislature, any district or county office, city officials of any home rule charter city, and directors of any public power district which grosses more than forty million dollars annually, whether or not such individual is nominated or elected.

Definition of political committee - Defines political committee to mean any committee, political party, organization, or association of two or more people which raises, receives, or expends, or directs the raising, receipt, or expenditure of money or other things of value to be used wholly or in part in promoting or preventing the nomination or election of any candidate or class of candidates, or in promoting such individual if nominated or elected.

Cash contribution - Provides that it shall be unlawful for any person to loan, deposit, advance, give, or contribute in any manner any sum of cash in excess of \$50 to any political committee or in behalf of any candidate for any public office created by the Constitution or laws of Nebraska to be filled by popular election. Any person who violates such provisions shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of \$100 or an amount equal to twice the value of such cash, whichever shall be greater, or by imprisonment for not less than one year, or by both such fine and imprisonment.

Cash receipt - Provides that no candidate for any public office created by the Constitution or laws of Nebraska to be filled by popular election shall, by himself or by any other person or political committee acting in his behalf, accept any contribution from any person in the form of cash in excess of \$50. Whoever violates such provisions shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of \$100 or an amount equal to twice the value

NEBRASKA CONT'D

of such cash accepted, whichever shall be greater, or by imprisonment for not less than one year, or by both such a fine and imprisonment, and if such individual shall be a candidate his nomination or election shall be declared void.

LB 864, Approved 3/19/74

Voter registration records - Provides for keeping voter registration records as current as possible in counties having a population of 50,000 inhabitants or less.

Removal of voter registration - Provides that the county clerk or election commissioner shall have the authority to remove the voter registration of a deceased person from the active records at any time by any supporting information he may have of the death of such voter or of any other elector whom he has notice of registering in another county or state.

Verification of voter registration records - Requires voter registration records to be verified prior to the 1974 state-wide general election and each state-wide general election thereafter, or at such other times as the county clerk or election commissioner shall deem necessary. Sets forth the procedure for such verification.

Voter challenges - Provides that the receiving boards at all precincts on election day are still charged with the right of challenge for causes of any elector whom they deem to be unqualified and shall challenge such voter as provided in §§32-467 to 32-477, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LB 877, Approved 4/3/74

Provides that any person who holds himself or herself out as a candidate for elective office and receives contributions on that basis shall file all financial reports required by law as if he or she were a candidate.

Provides that the treasurer or assistant treasurer of a political committee shall file with the appropriate filing officer a statement of organization setting forth the political committee, officers, address, proper name of the committee, the candidate or issue which it is supporting, the address or addresses at which the treasurer or assistant treasurer is registered to vote and, if applicable, the political party. At the conclusion of the campaign or within 60 days after the applicable election, the committee treasurer or assistant treasurer shall file a statement with the appropriate filing

NEBRASKA CONT'D

officer, setting forth the disposition of the committee and also setting forth the debts of the committee or how the surplus funds have been or will be disposed of.

Permits contributions from corporations doing business with the state the same as from other corporations, providing the necessary statements are filed, etc.

Includes directors of natural resources districts under the definition of "candidate." (Amends various provisions of Title 32, Nebraska State Code.)

LB 897, Approved 4/3/74

Makes various changes in the method of conducting municipal and school district elections. (Amends various sections of Title 17, 18, 32, and 79 of the Nebraska Revised Statutes.)

LB 932, Approved 4/12/74

Relates to nomination by petition by candidates for Governor. Requires each such candidate to select his or her choice for Lieutenant Governor prior to circulating the petition. These will then be listed together on the ballot. In the case of write-in votes, requires each voter writing in the name of a candidate for Governor to also write in a candidate for Lieutenant Governor. Amends §32-504 of the Revised Statutes of Nebraska.

STATE SESSION LAWS

NEBRASKA CONT'D

LB 1026, Approved 4/15/74

Makes changes in initiative and referendum procedures in cities and villages. Amends §§118-117, 18-119, and 18-127 of the Revised Statutes of Nebraska.

NEVADA -----

NEW HAMPSHIRE -----

NEW JERSEY

SB 769, Chapter 9, Approved 3/15/74

Permits primary elections to be held for the purpose of electing delegates and alternates to the national conventions of political parties whether or not such conventions are held in presidential election years. Amends §§19,3-3, 19:24-4, and 19:24-5 of the Revised Statutes.

SB 880, Chapter 30, Approved 5/28/74

Makes various provisions for assistance to voters who speak Spanish in election districts in which the primary language of 10% or more of the registered voters is Spanish. Amends various sections of Title 19 of the Revised Statutes.

County boards - Provides that in election districts in which the primary language of 10% or more of the registered voters is Spanish, the county board shall appoint two additional members who shall be of Hispanic origin and fluent in Spanish.

Sample ballots - Provides that for each election district within the county in which the primary language of 10% or more of the registered voters is Spanish, the county clerk shall print samples of the official general election ballot in English and Spanish. Provides that the sample ballots or instruction ballots shall be open to the inspection of all voters on election day, in appropriate election districts, in all elections where voting machines are used.

NEW JERSEY CONT'D

Registration cards - Requires the Secretary of State to prepare registration cards in both English and Spanish and provide such cards to each commissioner of registration of any county in which there is at least one election district in which bilingual sample ballots must be provided.

Registration - Makes various other amendments to the voter registration laws. For example, requires that a registrant's application statement assert that he has been a resident in the State of New Jersey for at least 30 days (formerly 6 months) and in the county at least 30 days (formerly 40 days) before the next general election.

SB 1231, Chapter 51, Approved 6/5/74

Amends the Voter Registration Act adopted 5/28/74 (SB 890) so as to provide bilingual sample ballots in all counties in which the primary language of 10% or more of the registered voters is Spanish. Makes various other minor changes needed to better effectuate the purpose of that Act.

AB 1246, Chapter 26, Approved 5/6/74

Makes various amendments to The New Jersey Campaign Contributions and Expenditures Reporting Act. (Pub. L. 1973, c. 83, approved 4/24/73)

Qualified candidate - Defines a qualified candidate to mean any candidate for election to the office of Governor whose name appears or whose name does not appear on the general election ballot, but who has deposited and expended \$40,000.00.

Contributions - Provides that no person, candidate or political committee shall make any contribution to a candidate, his campaign treasurer, or committees of any political party to a candidate for Governor in the aggregate in excess of \$500. Provides that no State committee of any political party shall accept any contribution in the aggregate in excess of \$500 in behalf of a candidate for Governor in a general election.

Bank account - Provides that a State committee shall create an account in a National or State bank in behalf of a candidate for Governor in a general election. Provides that the State committee shall

NEW JERSEY CONT'D

deposit in such account and report to the Election Law Enforcement Commission the name of the contributor of all moneys accepted and may make a contribution or contributions from such account in any amount in aid of such candidate.

Corporations, labor organizations - Provides that communications on any subject by a corporation to its stockholders and their families, or by a labor organization to its members and their families, and nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families, shall not be construed to be in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election.

Candidates' statements - Provides that the Election Law Enforcement Commission shall 45 days prior to the general election supply each county clerk with the text of statements from each candidate for election to the office of Governor. Allows such candidates to submit their proposed statements to the commission, which shall not exceed 500 words in length.

Election offenses - Provides that various violations of this Act shall be misdemeanors. Grants the Election Law Enforcement Commission the power to hold hearings and to assess penalties upon receiving evidence of any violations.

NEW MEXICO

SB 8, chapter 25, Approved 2/20/74

Requires that a filing fee of fifty dollars (\$50) be paid at the time of filing a declaration of candidacy for any office for which a filing fee is required, except for the offices of county councilman, county clerk, county assessor or sheriff in H-class counties or incorporated counties, the fee shall be five dollars (\$5). Amends §3-8-26 of the New Mexico Statutes Annotated 1953.

Chapter 49, Approved 2/21/74

or the automatic appointment of deputy registration officers that, if the county board of registration fails to use the authorized number of deputy registration officers within

NEW MEXICO CONT'D

14 days after the submission of any list, the persons on the list shall be deemed automatically appointed deputy registration officers. Amends §3-4-38 of the New Mexico Statutes Annotated.

HB 40, Chapter 68, Approved 2/26/74

Provides that in primary elections a person desiring to be a write-in candidate on the primary election ballot of the political party of his registration shall file with the proper filing officer a declaration of intent to be a write-in candidate. Such declaration of intent shall be filed before 5:00 p.m. on the seventh day preceding the date for filing a declaration of candidacy for the primary election at which such candidacy is to be considered. Amends §3-8-24 of the New Mexico Statutes Annotated.

Provides that in general elections, a write-in vote shall be counted and canvassed as if the name written in was printed on the ballot. Amends §3-12-36 of the New Mexico Statutes Annotated.

HB 46, Chapter 18, Approved 2/20/74

Defines "nominating petition" as meaning the form used for obtaining the required number of signatures of registered voters which is signed on behalf of the person wishing to become a candidate for a political office in the primary election requiring a nominating petition.

States that a candidate, when making a declaration of candidacy, shall at the same time file a nominating petition which shall be on forms prescribed by law.

Specifies the paper size for nominating petitions. Amends §3-8-24.1 of the New Mexico Statutes Annotated 1953.

House Joint Memorial 6, Adopted 2/13/74

Request the Legislative Council Service to study and make recommendations regarding a change in the date of primary elections.

NEW YORK

SB 1444B, Chapter 68, Approved 3/19/74

Relates to absentee voting in certain primary elections. Provides that an enrolled voter who, on the occurrence of a contested primary election of the party in which he is enrolled in the election district in which he is registered, may be unable to appear personally at the polling place of such election district for any of the reasons specified in §§117 or 117a of the Election Law for absentee voting in any general election, may vote as an absentee voter in such primary election.

Provides for the procedure for voting by absentee ballot. Specifies the form for the official primary ballot of the absentee voter. Adds §126 to the New York Election Law.

SB 3782, Chapter 408, Approved 5/23/74

Deletes the requirement that those voting in fire district elections must own assessed property in the district. (Amends §175.2 of the New York State Town Law.)

SB 4127-B, Chapter 468, Approved 5/23/74

Provides that, if absentee ballots are to be sent outside of the continental United States, or to a country other than Canada or Mexico, such ballots shall be sent by air mail notwithstanding that the applicant has not requested air mail service. Amends §118, Subdivision 10 of the Election Law.

SB 5253, Chapter 409, Approved 5/23/74

Relates to absentee voting in those counties employing the optional permanent personal registration system. (Amends §351.3 of the New York State Election Law.)

SB 7626, Chapter 9, Approved 2/12/74

Relates to voting by members of the armed forces. Repeals Article 12 of the election law and inserts in lieu thereof a new article to be Article 12.

Division for servicemen's voting - Establishes in the Department of State a division to be known as the Division for Servicemen's Voting to consist of two directors, both of whom shall be qualified voters of the State of New York.



## NEW YORK CONT'D

Any vacancy in the office of director of the division shall be filled by filing with the Secretary of State a writing signed by the officers who made the original recommendation, designating a successor who shall be answerable to a member of the same party of the person whom he succeeds.

Registration of military voters - Provides that, on or before October 1, 1974, the names and addresses of all military voters shall be registered by the Board of Elections of the home county of residence of the military voter in the register of the election district of residence of such military voter in the manner provided for central registration. Provides that a military voter shall not be required to register personally. An application for a military ballot shall constitute permanent personal registration. Allows the directors to send to any spouse, parent or adult child, brother or sister of a qualified voter, in military service serving outside of the continental limits of the United States, an application form on a postcard bearing the return address of the division for servicemen's voting. Such application may be signed by the spouse parent or adult child, brother or sister of such serviceman, attested before a notary public and shall be deemed an application by such serviceman, without requiring the actual signature of the voter.

Ballots - Provides for ballot forms and ballot envelopes for military voters. Provides for the distribution of ballots to military voters by the appropriate board of elections. Provides for the manner of marking a military ballot.

SB 7638-B, Chapter 502, Approved 5/23/74

Relates to the preparation of ballots for school board elections. Provides that the names of the candidates for each specific office shall be listed in the order as determined by a drawing by lot. Amends §2.032 of the New York Education Law.

SB 8293, Chapter 918, Approved 6/15/74

Lowers the age of majority in connection with the State Election Law to eighteen years. Amends various sections of the New York State Election Law.

STATE SESSION LAWS

NEW YORK CONT'D

SB 8315, Chapter 940, Approved 6/15/74

Relates to the age of majority (eighteen) in the following situations: (1) members of youth boards or youth commissions; (2) financial disclosure by a public officer of interests held by his minor children. Amends §§3.1 and 73.6(a) of the New York Public Officers Law.

SB 8365, Chapter 515, Approved 5/23/74

Relates to the number of voting machines for village elections. Provides for one voting machine for each 1,000 or fraction thereof of voters in each election district.

SB 9734, Chapter 979, Approved 6/6/74

Permits a candidate for public office to receive the nomination both of a political party (or parties) and of an independent body (or bodies). Repeals §138-b and amends §248.1 of the New York Election Law.

AB 8-x, Chapter 605, Approved 5/30/74

Redefines "political committee" under §467(a) of the New York State Election Law to read that a person or corporation making a contribution to a candidate or a political committee shall not, by that fact alone, be deemed to be a political committee for the purpose of this law.

AB 8278, Chapter 15, Approved 2/19/74

Provides that there be eliminated from the register of the qualified voters of a school district, an obsolete reference to certain voting qualifications whereby the registrant claims the right to register and vote. Amends §2014(2) of New York Education Law (McKinney 1969).

AB 9443, Chapter 18, Approved 2/19/74

Provides that the first day for signing designating petitions for primary elections shall be June 17.

NEW YORK CONT'D

AB 10808, Chapter 744, Approved 6/7/74

States that nominating petitions for candidates for a state-wide office shall be filed according to the congressional district of the majority of the signers' residence, with the sheets in each volume arranged according to county. Amends §§136.4 and 138.8 of the New York Election Law.

AB 10838, Approved 6/15/74

Permits a registered voter who moves to another residence within the same county, or moves within the City of New York, to personally transfer his registration and enrollment rather than having to register to vote at his new address. Amends §407.1 of the New York State Election Law.

AB 12071, Chapter 804, Approved 6/7/74

Permits absentee voting by a qualified elector who is absent from his voting residence because he is detained in jail awaiting action by a grand jury or awaiting trial or is confined in prison after a conviction for an offense other than a felony. Amends §§117.1, 117.2, and 117.6 of the New York Election Law.

AB 12485, Chapter 804, Approved 5/30/74

New York State Campaigns, Elections and Procedures Law. Adds a new Article 16-A to the New York Election Law.

New York State Board of Elections: Establishes a four member Board of Elections, to receive all disclosure statements, give advice to candidates and other concerned parties, and generally oversee the enforcement of this Article. The Board is also charged with the creation of a fair campaign practices code.

Statements of Campaign Receipts and Expenditures: Requires these to be filed as specified by the Board of Elections, at least 4 times per year, with at least one of the filings between 15 and 25 days before any election. Statements must cover the period up to and including the 4th day before the deadline; however, any contribution in excess of \$1,000 received later must be reported within 24 hours after receipt.

Statements of a Political Committee must include all receipts, expenditures, and liabilities of the committee, and of every officer, member or other person in its behalf. They must also include the amount

## NEW YORK CONT'D

received, or the fair market value of contributions other than of money, the name and address of the person from whom received or the name of and political unit represented by the committee from which received, and the date of receipt; the amount of every expenditure, the name and address of the person to whom it was made or the name and political unit represented by the committee to which it was made, the date and the purpose. Loans must also be reported, along with a copy of the indebtedness agreement. Expenditures in sums under \$10 need not be specifically reported, except those made to campaign workers, and receipts aggregating not more than \$50 from any one contributor need not be specifically accounted for by separate items.

Statements of a Political Candidate must include all moneys or other valuable things, paid, given, expended or promised by him to aid his own nomination or election, or to promote the nomination, election or defeat of any other political candidate, party or issue.

Candidates for office and political committees in existence at the time of enactment of this law must file financial statements within 30 days.

Political Advertising and Literature: Requires a facsimile or copy of all advertisements, pamphlets, circulars, etc., purchased or produced and a schedule of all radio or television time, and scripts used therein, purchased in connection with an election to be filed with each financial statement.

Limitation on Expenditures: Limits the total amounts expended in any election by a candidate and/or all authorized political committees to 50 cents for each voter enrolled in the candidate's party in the district in which he is a candidate, or \$2,500, whichever is greater; or, in the case of a nomination for member of the assembly, \$25,000, whichever is greater. These amounts can be spent in the primary and again in the general election.

Contribution and Receipt Limitations: States that a candidate in a state-wide election may not accept from any one contributor contributions in the aggregate greater than 1% of the amount which may be expended by and on behalf of his candidacy; however, the maximum amount which may be so accepted, in the aggregate, from the candidate and his or her spouse, child, parent, grandparent, brother, and the spouse of any such person is 5% of such amount. With respect to other offices, the applicable figures are 10% (however, the amount shall be not less than \$1,000 or more than \$50,000) from individual contributors and 50% (to a maximum of \$100,000) from family

NEW YORK CONT'D

members. Except as otherwise provided for a candidate and his family as specified above, no person may contribute, loan, guarantee or expend in excess of \$150,000 within the state in connection with the nomination or election of persons to state and local offices and party positions in any one calendar year.

Corporate contributions, cash contributions in excess of \$100, and contributions in the name of another are prohibited.

Applicability: Applies to all state and local office candidates except those running for federal office.

HR 89, Adopted 5/7/74

Continues the Select Committee to Make a Study of the Election Laws and Related Statutes. Orders it to submit recommendations by December 15, 1974, and a report by March 31, 1975.

Chapter 68, Approved 3/19/74

Sets up procedures for absentee voting in contested primary elections. Adds §126 to the New York State Election Law.

Chapter 562, Approved 5/23/74

Requires the Board of Elections to establish rules allowing the admission of news media representatives to the area of the polling place where the canvass of ballots cast can be directly observed. Amends §223 of the New York State Election Law.

Chapters 588 - 591, Approved 5/29/74

Reapportions Congressional Districts in compliance with the U.S. Department of Justice determination dated April 1, 1974, and the applicable sections of the Voting Rights Act of 1965 (42 U.S.C. §1971 et seq.)

Chapter 751, Approved 6/7/74

Amends §225.2 of the New York State Election Law regarding questions which can be asked by inspectors of an applicant who is challenged at the time of registration or voting.

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Chapter 846, Approved 5/7/74

Permits the Board of Elections to appoint two additional clerks, to serve only on the day of the election, in any election district where 25 or more applications for absentee voting have been received. Amends §51 of the New York State Election Law by adding a new subdivision 9-a.

Chapter 886, Approved 6/10/74

Provides an alternate method of voting by paper ballots on the day before an election by those who on account of religious scruples are opposed to voting in a building used for religious purposes, whose district polling place is located in such a building. Adds §228 to Article 8 of the New York State Election Law.

NORTH CAROLINA

SB 978, Chapter 1272, Ratified 4/11/74

An Act to Regulate Contributions and Expenditures in Political Campaigns. Adds a new Article 22A to Chapter 163 of the General Statutes of North Carolina.

Campaign Treasurers: Requires each candidate and political committee to appoint a treasurer. A candidate may appoint himself or any other individual except his spouse as his treasurer. If he fails to designate a treasurer it will be assumed that he is acting as his own treasurer and he will be required to personally fulfill the duties and responsibilities imposed upon the appointed treasurer.

Financial Accounts: Requires each treasurer to keep detailed accounts, current within not more than 7 days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee.

Contributions under \$50: States that in the case of contributions under \$50, the treasurer need only report the date and the amount. This is true for outright contributions, events raising \$50 or less, and receipt of goods or services valued at \$50 or less.

NORTH CAROLINA CONT'D

Nonresident Contributions: Prohibits the acceptance of a contribution of more than \$100 from nonresident of the state unless the contribution is accompanied by a written statement setting forth the name and address of each contributor.

Non-media Expenditures: Requires all expenditures for non-media expenses, except postage, of more than \$25 to be made by check. Requires all non-media expenditures of more than \$25 to be accounted for and reported individually and separately. Expenditures of less than \$25 may be accounted for and reported in an aggregate amount, but in that case the treasurer must report that he made expenditures of less than \$25 each, the amounts, dates, and purposes for which made.

Media Expenditure - Limitations: Limits media expenditures by candidates for Governor, Lieutenant Governor, and the State Council to 10 cents times the voting age population. Permits this amount to be spent in the primary, second primary, and general elections.

Statements Filed with the State Board of Elections: Requires the treasurer of each candidate and of each political committee to file with the Board:

- (1) Organizational Report, giving certain information concerning the campaign organization of the candidate, no later than the 10th day following the day on which the candidate files his notice of candidacy or the 10th day following the organization of the political committee, whichever occurs first.
- (2) Report #1, listing all contributions and expenditures, no later than the last day of the month in which the candidate files.

Treasurers of political committees file this report no later than the 10th day following the organization of the committee, or January 31 of the election year, whichever is later. These reports include all contributions and expenditures made during the previous calendar year.

- (3) Report #2, listing all contributions and expenditures since the date of the last report, no sooner than the 15th day and no later than the 10th day preceding each primary or election. These reports must be current to within no more than 17 days before the primary or election.

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- (4) Report #3, listing all contributions and expenditures since the date of the last report, no later than the 10th day following each primary or election.
- (5) Report #4, listing all contributions and expenditures since the date of the last report, no later than September 1st prior to the general election.
- (6) Final Report, listing all contributions and expenditures since the date of the last report, no later than the last day of the month in which the general election is held. If the final report fails to disclose a final accounting of all contributions, then a supplemental final report must be filed no later than December 10th following the general election.

Inactive Candidate or Committee: States that if no contribution is received or expenditure made by or on behalf of a candidate or political committee during a reporting period, the treasurer shall file a statement to this effect with the Board as required above. He need not file any additional reports so long as the candidate or committee remains inactive.

Contributions and Expenditures by an Individual Other than a Candidate: Requires an individual other than a candidate who makes contributions or expenditures other than by contribution to a candidate or political committee in excess of \$100 to file a statement of such contribution or expenditure with the State Board of Elections within 10 days after making it.

Limitations on Contributions: Prohibits individual contributions in excess of \$3,000 for any candidate in any election (including primary, second primary, and general elections).

Prohibited Contributions: Prohibits contributions in the name of another, anonymous contributions, and cash contributions in excess of \$100.

Contributions by corporations, business entities, labor unions, professional associations, and insurance companies are prohibited.

Regulations regarding Contributions, Expenditures, and Media Advertising: Requires all political advertising to be properly identified with the name of candidate and sponsor.



NORTH CAROLINA CONT'D

Statements of Media receiving Campaign Expenditures: Requires each media to file a report with the Board of Elections at the times set forth above, listing certain information with regard to each expenditure on behalf of a political candidate or committee.

Political Advertising Rates: States that normal commercial charges shall be employed in connection with political advertising.

Disclosure before Soliciting Contributions: Requires those soliciting political contributions to clearly advise those solicited as to the name of the candidate(s) for whom the contribution will be used, the name of the political committee or party for which the funds will be used, or that a decision will be reached later as to how or for whom the funds will be used.

Candidates for Federal Offices: Requires candidates for nomination in a party primary or for election in a general or special election to the offices of United States Senator, United States Representative, President or Vice President to file with the Board all reports they or political committee treasurers or other agents acting for them are required to file under the Federal Election Campaign Act of 1971.

Preservation of Records: Requires all reports, records, and accounts required by this Act to be preserved for at least two years.

SB 1011, Chapter 1409, Approved 4/12/74

Establishes the State Board of Elections as an independent agency. Adds §162.19.1 of the North Carolina General Statutes.

SB 1475, Chapter 1275, Approved 4/11/74

States that the State Board of Elections must provide absentee ballots for primary elections to County Boards of Elections 40 days before the date of the primary. Adds a new §163.227.3 to the North Carolina General Statutes.

HB 364, Chapter 863, Ratified 2/18/74

Concerns the number of votes to be cast for candidates participating in a primary election. Provides that each candidates receiving at least five percent of the total vote cast by his political party, shall

NORTH CAROLINA CONT'D

be awarded a pro rata portion of the authorized delegate vote of his political party in accordance with four stated formulae. Amends §163-213.9 of the General Statutes.

HB 1146, Chapter 1001, Ratified 3/20/74

Provides an additional mode of electing the governing body of municipalities. Provides, for example, that the city shall be divided into electoral districts equal in number to one half the number of council seats. Provides that, the council seats shall be divided equally into "ward seats" and "at-large seats," one each of which shall be apportioned to each district, so that each council member represents the same number of persons as nearly as possible. Amends §160A-101 of the General Statutes by adding a new paragraph "d."

HB 1418, Chapter 1344, Ratified 4/12/74

Makes various changes in the North Caroling Election Code relating to such things as signatures on notice of candidacy, duties of pre-cinct officials, etc.

HB 1427, Chapter 1018, Ratified 3/21/74

Authorizes absentee ballots in all state-wide elections involving referenda, constitutional amendments and other propositions submitted to the people. Amends §163-226 of the General Statutes by adding subsection (a).

HB 1465, Chapter 1223, Approved 4/4/74

Makes various technical changes in the North Carolina Election Code, relating to such things as meeting places of the State Election Board, voting booths, etc. Makes 30 days the residency requirement for voting all elections.

HB 1508, Chapter 1075, Approved 4/1/74

Makes various technical changes in Article 20, Chapter 163 of the General Statutes, relating to absentee voting.

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HB 1663, Chapter 1135, Approved 4/3/74

Provides that each kind of official ballot used in primary and general elections shall have a separate and distinct color, to be determined by the board of elections responsible for printing the ballots. (Amends General Statutes 163-136.)

HB 2006, Chapter 1475, Approved 4/13/74

Appropriates \$50,000 to the State Board of Elections for employ-personnel and defraying all other expenses necessary for the administration of the Campaign Contributions and Spending Reporting Act.

HB 2082, Chapter 1169, Approved 4/4/74

Permits absentee voting in all municipal elections in the cities of Greensboro and High Point.

NORTH DAKOTA

Amendment No 1, Chapter 531, Laws 1973, Adopted 11/5/74

Amends sections 74 and 77 of the Constitution to provide that the Governor and the Lieutenant-Governor be elected on the same ballot, and, to provide for the Lieutenant-Governor's duties.

OHIO

SB 46, Approved 4/23/74

Makes various changes in the Ohio Election Code, including the following:

Public Employees: Prohibits a public employee from soliciting or receiving compensation for his official duties other than as allowed by law, using his office to the benefit of any political party, etc.

Definitions: Defines political party, campaign committee, campaign treasurer, candidate, continuing association, contribution, expenditure, personal expenses, political committee, and public office. States that "contribution" does not include services provided without compensation by individuals volunteering a portion or all of their time

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on behalf of a person, or ordinary home hospitality. States that "personal expenses" include, but are not limited to, ordinary expenses for accommodations, clothing, food, personal motor vehicle or airplane, and home telephone.

Spending Limitations: Sets spending limitations for all state and federal offices, including the following: (1) by a candidate for Governor, United States Senator or congressman-at-large, 10 cents times the population of the state; (2) by a candidate for other state elective office, one and one-half cents times the population of the state; (3) by a candidate for congressman, other than congressman-at-large, 18 cents times the population of the state divided by the number of congressional districts in the state. (NOTE: These amounts can be spent in the primary and again in the general election.)

Campaign Committees: States that each candidate shall have no more than one campaign committee for purposes of receiving contributions and making expenditures, and that no campaign committee shall receive any contribution or make any expenditure other than through the campaign treasurer. Permits a candidate to serve as his own campaign treasurer.

Financial Statements: Requires each campaign committee, political committee, and political party which made or received a contribution or made an expenditure in connection with the nomination or election of any candidate to file itemized campaign statements to reflect the status of contributions and expenditures at the close of business on (1) the 20th day before the election; (2) the 45th day after the election, to reflect the contributions and expenditures from the 20th day before the election to the 7th day before the filing of the statement; and (3) the last business day of November every year to reflect contributions and expenditures made from the last day reflected in the previous statement and the last day of October.

Political Advertising: States that newspaper and periodicals shall charge for political advertising the same rates as those charged for lar business advertisements. With regard to radio and television advertising, the following rates shall be charged: (1) during 45 days preceding the date of a primary election and during the 45 days preceding the date of a general or special election, the lowest rate of the station for the same class and amount of time period; (2) at any other time, the charges made for use of the station by other users.

Ohio Elections Commission: Establishes the Ohio Elections Commission to supervise elections.

OHIO CONT'D

Penalties: Sets forth various penalties for violations of this Act.

SB 143, Approved 2/22/74

Permits the Board of Elections to maintain permanent or temporary branch offices at any place within a county. Allows them to remain open any hours they desire, except on Sunday, for the purpose of registering voters. Amends §§3501.10, 3503.11, and 3503.12 of the Ohio Revised Code.

SB 237, Approved 6/24/74

Permits the Secretary of State, his employees, members or employees of the Board of Elections, and polling place officials to vote by absentee ballot. Makes other minor changes relating to the use of absentee ballots.

SB 238, Approved 2/13/74

Makes the following changes in laws dealing with state-wide initiative and referendum issues:

- (1) Deletes the requirement that the Secretary of State must specify the color and size of paper used, etc., in filing the proposal.
- (2) Deletes the requirement that those filing the petition must show by satisfactory evidence that possession or custody of the petition has not been relinquished by the solicitor in violation of the law.
- (3) States that petitions containing the signatures of electors of more than one county are not invalid. Rather, the Secretary of State shall determine the county from which the majority of the signatures came, and only those signatures shall be counted.

SB 429, Approved 4/26/74

Permits those over 62 to vote by absentee ballot, and makes other minor changes in the absentee voting laws.

States that every paper, card or other document relating to an election matter which calls for a statement to be made under penalty of election falsification must be accompanied by a bold face statement listing the penalty for this offense.

OHIO CONT'D

HB 435, Approved 4/8/74

Amends §3503.23 of the Ohio Revised Code to include the political party of the voter on official registration lists.

HB 662, Approved 6/27/74

Makes various changes in Ohio Election Laws, including the following:

- (1) Changes the date of the primary election to the first Tuesday after the first Monday in June of each year.
- (2) Eliminates all notarizations on election materials, replacing them with a declaration under penalty of election falsification.
- (3) Requires each Board of Elections to provide a training period for officials and employees.
- (4) Raises amounts that can be paid to election workers.
- (5) Changes the filing deadline for candidates from 90 to 75 days before the primary election. Reduces everything else associated with this (challenging signatures, etc. ) by 15 days.
- (6) States that applications for absentee ballots may be in any written form, so long as the necessary information is included.
- (7) Permits those who will be 18 by the date of the general election to vote at the primary election for candidates only, even if they are not 18 at the time.
- (8) Provides for a mandatory recount, free of charge, whenever the margin of victory in an election is one-half of one percent or less, when this is requested by the losing candidate or group.

OHIO CONT'D

- (9) Extends the time when the polls are open to 7:30 p.m., rather than 6:30 p.m.
- (10) States that applications for absentee ballots can be received up until noon of the 3rd day preceding the election.
- (11) States that when a voter has changed his or her name 60 (formerly 30) days prior to an election, he or she can vote under the old name.

HB 1037, Approved 2/6/74

Relates to vacancies in the U.S. Senate. States that when the unexpired term involved ends within one year immediately following the date of a regular state election, an election to fill the unexpired term shall not be held and the temporary appointment by the Governor shall be for the unexpired term. Amends §3521.02 of the Ohio Revised Code.

HB 1061, Approved 2/6/74

Permits political parties to elect delegates and alternates to national conventions or conferences other than those held to nominate presidential and vice presidential candidates. States that any political party electing delegates to such a convention or conference in an odd-numbered year in which a state-wide primary election is not otherwise held is required to pay all expenses of that election. Amends §3513.121 of the Ohio Revised Code.

HB 1477, Approved 6/29/74

Sets up the Ohio Ballot Board, consisting of the Secretary of State and four appointed members. Requires this Board to prescribe the ballot language for constitutional amendments proposed by the general assembly to be printed on the questions and issues ballot, prepare an explanation of each amendment proposed by the general assembly, certify the ballot language and explanation to the Secretary of State not later than 75 days before the election, and direct the means by which the Secretary of State shall disseminate information concerning the proposed amendments to the voters. Amends §3505.06 and enacts §§3505.061, 3505.062, and 3505.063 of the Ohio Revised Code.

## OHIO CONT'D

### HJR 161, Adopted 2/13/74

States that the language which appears on the ballot when the General Assembly proposes a constitutional amendment shall be prepared by the Ohio Ballot Board. Requires the Board to prepare an explanation of the amendment, which shall be available for public inspection in the office of the Secretary of State, and permits the Board to prepare pro and con arguments on the amendment unless the General Assembly provides otherwise.

Gives the Supreme Court exclusive original jurisdiction in all cases challenging the adoption or submission of a proposed constitutional amendment.

Requires the General Assembly to provide by law for dissemination of information on constitutional amendments in such a way as to fully inform the electorate as to their content and ramifications.

Amends §1 of Article XVI of the Ohio Constitution.

## OKLAHOMA

### SB 338, Approved 4/13/74

Makes minor changes in various areas of the Oklahoma Elections Code, including such things as recounts of contested elections, disqualification of candidates against whom fraud is proved, etc.

### SB 415, Approved 5/3/74

Recodifies the Oklahoma Election Code. Makes various administrative and procedural changes.

### SB 478, Approved 5/15/74

Rewrites Chapter 10, Title 26, of the Oklahoma Statutes 1971, dealing with absentee ballots.



OKLAHOMA CONT'D

SB 481, Approved 5/19/74

Makes general changes in voter registration procedures, sets qualifications for registration of voters, provides for purging of voting lists, specifies forms to be used, etc.

SB 534, Approved 5/4/74

Campaign Contributions and Expenditures Act

Financial Disclosure Statements: Requires every notification and declaration of candidacy to be accompanied by a disclosure of (1) the candidate's principal source of income for the 12 months immediately preceding the filing date, and (2) whether the candidate has an interest exceeding \$2,500 in any corporation, partnership, association, proprietorship or other entity which does any business with the State of Oklahoma or any political subdivision. This does not apply to corporations, etc., which have more than 100 stockholders or persons owning an interest.

Campaign Treasurers: Requires each candidate to designate a person, who may be himself, to be his agent for the receipt and expenditure of contributions. The agent may designate as many subagents as he deems fit. The names of the agent and subagents shall be filed with the election board. Political parties must make similar designations. The agents shall maintain written records of all contributions and expenditures which they personally handle and shall require subagents to do the same.

Reporting Forms: States that reporting forms shall require specific identification of each contributor who contributes more than \$200 (single or aggregate), including his name and address, and a specific description of the contribution. All campaign expenditures shall be set forth in detail by categories or objects of expenditure.

Filing Dates: Reports of contributions and expenditures shall be filed by 4:30 p.m. on the following dates:

- (1) The reports of a candidate, political party or organization shall be filed on or before the 10th day preceding the date of the primary election, or the special election in which the issue is to be voted on in the case of a state question, and shall cover the period beginning with the date on which the earliest contribution was received or expenditure made, whichever was earlier, through a period of time ending 15 days preceding the date of the primary or special election.

- (2) A further report shall be filed on or before the 10th day of the general election and shall include all contributions received and all expenditures made from the date any contribution was first received or expenditure was first made, whichever is earlier, through the 15th day preceding the general election.
- (3) A further report shall be filed on or before the 40th day after the general or special election, and shall include all contributions received and all expenditures made from the date the first contribution was received or expenditure was first made, whichever was earlier, through the 30th day after the election.
- (4) If any contributions are received or any expenditures made within 6 months after the date of the general election, a supplement report must be filed within 6 months and 10 days after the date of the general election, or, in the case of a state question, the special election at which the question was voted upon, together with the names of the contributor and the purpose for which the expenditures were made.
- (5) If any contributions and expenditures are made after this 6 month period, they must also be fully reported.

Reports must be filed regardless of whether or not a candidate, political party or organization receives contributions or makes expenditures.

Candidates for the United States Senate or House of Representatives may, in lieu of filing the reports described above, file with the Secretary of the State Election Board copies of campaign contribution and expenditure reports required by federal law.

Limitation on Contributions: No person or family may contribute more than \$5,000 to a political party or organization. No person or family may contribute more than \$5,000 to a candidate for state office, nor more than \$1,000 to a candidate for local office.

Tax Deduction: Permits a tax deduction of up to \$100.00 in any one taxable year for contributions made to political parties or candidates.

OKLAHOMA CONT'D

Corporate contributions are prohibited.

Political Advertising designed to injure or oppose the nomination or election of a candidate or to influence the voters on any constitutional or statutory amendment, etc., must contain identifying information as to the identity of the person or group sponsoring the ad.

SB 561, Chapter 47, Approved 4/13/74

States that candidates for the board of education of a school district must file between 8:00 a.m. on Monday and 5:00 p.m. on Wednesday in the second week prior to the election. Requires polling place officials at school elections to be chosen from duly appointed members of a precinct election board within the county. States that if a school election and a vocational-technical school election are held at the same time, each district shall pay half the costs involved. Amends §§2-101 and 2-104 of the Oklahoma Schools Code.

SB 613, Chapter 136, Approved 5/3/74

Requires the secretary of each county election board to give to the court clerk not later than October 1 of each year a listing of the name, address, and birth date of each registered voter as of the preceding January 1, to be used for juror selection.

SB 698, Chapter 274, Approved 5/29/74

Deletes the residency requirement for school district elections. States that contests of candidacy for members of the board of education shall be the same as for candidates for county office. Amends §2-101 and 2-102 of the Oklahoma Schools Code.

SJR 38, Approved 4/11/74

Places the following proposed constitutional amendments on the ballot for the November, 1974 general election:

Eliminates residence requirements;

OKLAHOMA CONT'D

States patients in mental institutions can vote unless they have been committed by a final and nonreviewable judicial order, if they are otherwise qualified. Amends Article 3, §1 of the Oklahoma Constitution.

HB 1674, Chapter 300, Approved 5/29/74

Sets terms of office for various county offices. States that a county officer, unless he resigns, is ineligible to become a candidate for another county office or a state office. Requires candidates for county commissioner to have been qualified registered electors in the district for 6 months preceding the first day of the filing period. Amends §131 of the Oklahoma Counties and County Officers Code.

OREGON

Amendment No. 8

Amends the Constitution so as to reduce the minimum age for voting in a school district election to 18 years of age, and reduces the residence requirement to 30 days residence in the district.

Amendment No. 10, Adopted 11/5/74

Amends the Constitution so as to conform with the federal Constitution by lowering the minimum voting age to 18, reducing the residency requirement to 30 days, and eliminating the requirement that every voter need read English.

Proposal No. 14, Adopted 11/5/74

Establishes the rules of conduct regarding public officials' financial matters and conflict of interest. Also, amends the lobbyists reporting statutes and transfers the administration of lobbyist law to the newly created Ethics Commission.

Proposal No 14a, Adopted 11/5/74

Provides that certain public officials of the county should be required to file statements of economic interest as provided in Chapter 72 of the 1974 Oregon Laws.

PENNSYLVANIA

HB 276, Approved 7/3/74

States that a prospective voter must have resided in the election district where he offers to vote at least 30 days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he may, if a resident of Pennsylvania, vote in the election district from which he removed his residence within 30 days preceding the election.

HB 739, Act 2, Approved 1/16/74

Political Parties - Provides additional times when party rules may be submitted to the Secretary of the Commonwealth by allowing such rules to be submitted at such other times as a political party shall meet in national convention or conference when candidates for the President of the United States are not to be nominated.

Justices - Provides that, in the event a justice or a judge had filed a declaration of candidacy for retention under the provisions of the Constitution of the Commonwealth and thereafter, but on or before declaration by notifying the Secretary of the Commonwealth in writing of the same, the Secretary of the Commonwealth shall include such office in certifications. Provides that, in the event a justice or a judge had filed a declaration of candidacy for retention under the Constitution of the Commonwealth and thereafter, but after the thirteenth Tuesday preceding the primary election and prior to sixty days preceding the municipal election revoked the declaration by notifying the Secretary of the Commonwealth in writing of the same, nomination to fill such vacancy shall be made in accordance with §993 of the Pennsylvania Election Code. Adds §§978.2 and 978.3 to the Pennsylvania Election Code.

HB 1971, Act 146, Approved 6/27/74

Permits candidates for the office of justice of the peace to be endorsed by more than one political party.

HB 2215, Approved 7/21/74

Requires any business entity which has been awarded non-bid contracts from the Commonwealth and its political subdivisions during the preceding calendar year to report by February 15 to the Secretary of the Commonwealth an itemized list of all political contributions made

## PENNSYLVANIA CONT'D

by (1) any officer, director, associate, partner, limited partner, individual owner or members of their immediate family and (2) any employee or members of his immediate family whose political contribution exceeded \$1,000. Requires the Secretary of the Commonwealth to publish an itemized list of all such contributions 60 days after February 15, which list shall be open to public inspection. Adds a new §1605.1 to the Pennsylvania Election Code.

HB 2219, Approved 7/21/74

Requires every candidate who authorizes a committee, or committees, to receive and disburse funds on behalf of his candidacy to name a single treasurer, irrespective of the number of committees so authorized, to receive and disburse funds from all these committees. However, states that a candidate can receive and expend money from a committee serving more than one candidate, regardless of the number of treasurers or subtreasurers such a committee might have. Also permits other authorized individuals to sell tickets or solicit funds when these funds are deposited in the campaign account of the candidate. Adds a new §1602 of the Pennsylvania Election Code.

HB 2225, Approved 7/21/74

States that all accounts filed under the provisions of the Election Law shall be made available to the public on demand in the form of copies made by the office where the accounts were filed, after the payment of the actual cost of copying. Adds §1610.1 to the Pennsylvania Election Code.

HB 2230, Approved 7/21/74

Relates to the audit of expense accounts. States that within 30 days after the last day for filing any expense account and affidavit required by law from a candidate any five electors of the State or of the political subdivision may present a petition to the court of common pleas of the county in which the account has been filed, or with the Commonwealth Court where a state-wide office is concerned, asking for an audit. Permits the payment of reasonable fees to any auditor consulted for each day actually engaged.

RHODE ISLAND

HB 7193, Chapter 35, Approved 4/3/74

States that, on questions submitted to the voters, the Secretary of State is authorized to rephrase the question to appear on the ballot so that the full text need not appear, except for proposed amendments to the Rhode Island Constitution. Amends §§17-5-5 and 175-6 of the Rhode Island General Laws.

HB 7194, Chapter 36, Approved 4/3/74

Changes the schedule of filing dates in primaries as follows: (1) Declarations of candidacy must be filed with the Secretary of State or other appropriate officer during the first 10 days in June. (2) Nomination papers must be submitted to the local board of the city or town where the signers appear to be voters for checking and certification not later than 70 days before the primary. (3) These papers, once checked and certified, shall be filed with the Secretary of State not later than 60 days before the primary. Amends §§1714-1, 17-14-5, and 17-14-12 of the Rhode Island General Laws.

HB 7195, Chapter 37, Approved 4/3/74

Changes affidavits filed by absentee or shut-in voters. States that absentee or shut-in ballots may be mailed from inside or outside of the state. Amends §§17-20-12 and 17-20-17 of the Rhode Island General Laws.

HB 7514, Chapter 228, Approved 5/10/74

Permits any qualified elector who is detained while awaiting trial, or imprisoned for any other cause other than a final conviction of a felony, and for this reason unable to vote in person in the city or town in which he is registered to vote by absentee ballot. Amends Chapter 17-20 of the Rhode Island General Laws.

IIB 7625, Chapter 232, Approved 5/10/74

Permits members of the general assembly to act as local registration agents. Amends Chapter 17-9, §5 of the Rhode Island General Laws.

HB 7653, Chapter 234, Approved 5/10/74

Permits local election boards to designate polling places outside the representative and/or school district in which the voting district is located. Amends §17-11-1 of the Rhode Island General Laws.

RHODE ISLAND CONT'D

HB 7892, Chapter 298, Approved 5/29/74

Rhode Island Campaign Contributions and Expenditures Reporting Act. Adds a new chapter 17-25 to the Rhode Island General Laws.

State Board of Election: Authorizes the State Board of Elections to oversee implementation of this Act, issue advisory opinions, prepare and publish election manuals, develop reporting procedures, conduct confidential investigations in connection with alleged violations of the Act, etc.

Limitation of Expenditures in Aid of Candidacy: Sets the following expenditure limitations for the general election:

- (1) For Governor, no more than \$400,000;
- (2) For Lieutenant Governor, no more than \$100,000;
- (3) For Attorney General, no more than \$100,000;
- (4) For General Treasurer, no more than \$50,000;
- (5) For Secretary of State, no more than \$50,000.

In addition to these amounts, an additional 25% can be spent in the primary.

Candidate Contributions: States that no candidate for general office may expend his own personal funds and/or those of his immediate family in aid of his candidacy which in the aggregate exceed 10% of the above limitations.

Adjustment of Limitations: States that the above limitations shall be valid until June 30, 1975, and adjusted each June 30 thereafter to reflect changes in the consumer price index.

Financial Reports: Requires financial disclosure reports to be filed on the 30th day preceding a general or special election, and on the 30th day following such an election. A final report must be filed at the time of dissolution. However, no reports need be filed if the total amount to be expended in behalf of a candidate does not exceed \$5,000.

Contents of Reports: Requires reports to contain the name, address, and amount of contribution from each person contributing in excess of \$200. Net proceeds of all testimonial affairs, along with the names and addresses of each contributor of over \$200, shall also be reported.



RHODE ISLAND CONT'D

Anonymous contributions and contributions in the name of another are prohibited.

Penalties: States that anyone violating the provisions of this chapter shall upon conviction be guilty of a petty misdemeanor and fined not more than \$500.

SOUTH CAROLINA

SB 352, Approved 8/12/74

Makes the following changes in the 1962 Code of Laws of South Carolina:

- (1) Requires political parties to be certified by the State Election Commission (rather than the Secretary of State's office) before nominating candidates for office to be voted on in a general or special election. Amends §§23-251 and 23-252.
- (2) Lowere the age for party membership from 21 to 18 years. Amends §23-253.
- (3) Sets new filing deadlines for candidates filing petitions as follows:
  - (a) For candidates at a general election or any federal, state or county office, not later than 12:00 noon on September 18 (or September 19th, if the 18th is a Sunday); and
  - (b) For special and municipal elections, by at least 12:00 noon on the 54th day prior to the date of the election (or the 53rd day prior to the election if the 54th is on a Sunday. Amends §23-400.15).
- (4) Requires a candidate's nominating petition for any office in the state to contain the signatures of at least 5% of the qualified registered voters of the geographical area of the office for which he is running, but in no case more than 10,000. Amends §23.400.16.
- (5) Sets forth standard specifications for nominating petitions. Adds §23-400.16:1.

SOUTH CAROLINA CONT'D

- (6) Deletes the requirement that one-tenth of the members of a political club must be present to constitute a quorum, and sets forth organizational requirements for state political conventions. Amends §23-256.

SB 589, Approved 5/14/74

Relates to the duties of the Board of State Canvassers, so as to provide that the Board shall act as a judicial body for appeals in election protests or contests. Provides that its decisions shall be reviewable as to matters of law only by the Supreme Court. Provides that appeals of Board decisions relating to the election of State Senators and Members of the House of Representatives shall be to the Senate or House of Representatives as may be appropriate. Amends §23-476 of the Code of Laws of South Carolina.

SB 607, Approved 7/9/74

Voter Challenges: Requires challenges to the qualifications of Voters to be made prior to the time such voters receive a ballot or enter a voting machine, or at any time prior to closing the polls, in the case of absentee voters. States that when a voter's name does not appear on the precinct list, his vote shall be treated as a challenged vote.

SJR 2687, Approved 3/15/74

Provides that the filing period for the nomination of candidates in the year 1974 for all local, county, district-wide and state-wide officers, excluding municipal elections and nominations for the House of Representatives, shall be held as now provided for by law. Provides that the filing period for the nomination of candidates for the House of Representatives shall be held at a time to be fixed by law.

HB 1560, Approved 5/14/74

Makes provision for the Board of State Canvassers to make a statement of the votes cast for and against constitutional amendments and other questions and issues. Amends §23-475 of the Code of Laws of South Carolina.

## SOUTH CAROLINA CONT'D

HB 1762, Approved 5/3/74

For 1974 only, sets the date of the primary election as the third Tuesday in July (July 16), and the filing period for a United States Representative from noon on May 8 through noon on May 22.

HB 2559, Approved 5/3/74; Adopted 11/5/74

Proposes an amendment to the State Constitution reducing the voting age to 18, abolishing the residence requirement for voting, and stating that a registered voter who moves less than 30 days before an election shall be required to vote in his old voting district.

HB 2561, Approved 5/14/74

Makes provision for the Board of State Canvassers to canvass the vote on all constitutional amendments and other questions and issues. Amends §23-473 of the Code of Laws of South Carolina.

HB 2562, Approved 5/14/74

Relates to qualifications for voter registration. Provides for registration of every citizen of the State and the United States who:

- (1) Is at least eighteen years of age;
- (2) Is not laboring under disabilities named in the Constitution of 1895 of this State;
- (3) Is a resident in the county and in the polling precinct in which the elector offers to vote;
- (4) (a) Can read and write any section of the Constitution submitted to the elector by the registration officer; or  
(b) is otherwise qualified; and
- (5) Shall apply for registration. Amends §23-62 of the Code of Law of South Carolina.

HB 2563, Approved 5/9/74

Relates to mandatory recounts in elections won by a candidate by not more than 1% of the total votes so as to make the provisions of the Act applicable to constitutional amendments and other questions and issues.

STATE SESSION LAWS

SOUTH CAROLINA CONT'D

HB 3251, Approved 7/2/74

States that, if a political party nominates candidates by a party primary election, the person with whom candidates of that party for the House of Representatives file must report to the State Election Commission the names and addresses of all candidates so filing within 24 hours after the close of the filing period of the House of Representatives.

SOUTH DAKOTA

SB 77, Approved 2/22/74

Provides for a recodification of Title 12 of the South Dakota Compiled laws of 1967 and supplements thereto, relating to elections. Makes various amendments relating to such subjects as the following: registration, political parties, candidates, constitutional amendments, ballots, voting machines, and absentee ballots.

SB 132, Chapter 120, Approved 2/22/74

Authorizes proportional representation to national political conventions by those state political parties whose by-laws permit such representation. Amends §§12-5-3.3 and §12-20-48.1 of the South Dakota Compiled Laws.

HB 507, Approved 1/25/74

Creates a State Board of Elections to be composed of five members one of whom shall be the Secretary of State who shall act as chairman. Provides that the Board shall exercise the rule-making power heretofore granted to the Secretary of State, relating to establishing forms for registration and forms and color of ballots and other forms for notices, and to otherwise prescribe forms where such are procedures. Requires the Board to report to and make recommendations to the legislature concerning desirable or necessary changes in the election laws of the State. The office of the Secretary of State is charged with the duty and responsibility to serve as the secretariat of the commission and shall assist the State Election Board as may be directed by the said Board. The office of the Attorney General shall provide such legal assistance as the Board may require.

SOUTH DAKOTA CONT'D

HB 508, Chapter 119, Approved 2/4/74

Requires those responsible for the conduct of local elections to give notice of the hours for voter registration in an official newspaper at least once a week for two weeks, with the last publication to be not less than ten nor more than fifteen days before the deadline for registrations. Amends §12-4 and repeals §12-10 of the South Dakota Compiled Laws.

HB 546, Approved 1/31/74

Allows the county auditor, upon request of the superintendent of an election precinct, where an emergency exists by reason of mechanical failure of a voting machine or an anticipated shortage of ballots or like unforeseen event warrants it, to extend the polling hours for that precinct until the emergency situation has been resolved. Amends §12-2 of the South Dakota Compiled Laws.

HB 758, Approved 2/20/74

Provides that candidates elected to the office of sheriff, county auditor, and registrar of deeds shall serve a term of four years and those elected to the offices of treasurer, state's attorney and coroner shall serve a term of two years.

Provides that in the 1976 election, the treasurer, state's attorney and coroner shall be elected to a term of four years. Amends South Dakota Compiled Laws, §7-7-1.1.

HB 828, Chapter 121, Approved 2/20/74

Requires federal, state, and local candidates, certain state officials, and gubernatorial appointees who require Senate confirmation to file financial disclosure statements listing close economic interests. Defines "close economic interest" as any enterprise which in the 12 month period preceding the filing of the statement contributes either more than 10% of or more than \$2,000 to the gross income of the family. Adds §§12-25-27 through 12-25-32 to the Compiled Laws of South Dakota.

SOUTH DAKOTA CONT'D

HB 886, Chapter 236, Approved 2/20/74

Sets the date for sanitary district elections as the first Tuesday after the anniversary date of the first election; however, if a municipality is involved and the anniversary date is less than 3 months before one month after the regular municipal election, the regular date shall be used. Amends §34-17-17 of the South Dakota Compiled Laws.

HCR 505, Adopted 2/13/74

Requests the Local Government Study Commission to make a comprehensive study of the feasibility of electronic voting systems for use in the State.

HJR 507, Adopted 2/15/74

Requires that elections be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Provides that every United States citizen eighteen years of age or older, who has met residency and registration requirements, shall be entitled to vote in all elections.

TENNESSEE

SB 1631, Public Chapter 704, Approved 4/4/74

Makes it a misdemeanor for any person to publish or distribute or cause to be published or distributed any campaign literature in opposition to any candidate in any election if such person knows that any such statement, charge, allegation or other matter contained therein with respect to such candidate is false. Adds a new section to Title 2, Chapter 19 of the Tennessee Code Annotated.

SB 2213, Private Chapter 199, Approved 2/26/74

Changes the qualifying deadline for the primary election to be held on the first Thursday in May. Provides that before a write-in candidate becomes the nominee of a local political party, he shall have received at least ten percent of the total vote cast in said primary. Amends Chapter 156 of the Private Acts of 1973.

## TENNESSEE CONT'D

Provides that this Act shall have no effect unless it is approved by two-thirds vote of the Quarterly County Court of Knox County after its approval by the Governor.

HB 1374, Public Chapter 413, Approved 1/29/74

Amends §2-303 of the Tennessee Code Annotated relating to minimum size of precincts by deleting the first sentence which provides: "No precinct may have or be divided so as to establish precincts of three hundred (300) or less registered voters except with the approval of the coordinator of elections in exceptional circumstances."

HB 1382, Public Chapter 448, Approved 2/22/74

Provides that in the event that only one political party elects to hold a primary election then only members of that political party who call the primary shall be appointed to serve at the polls. Amends §2-405 of the Tennessee Code Annotated.

HB 1399, Public Chapter 676, Approved 4/1/74

Relates to the use of voting machines in precincts having 3,000 or more registered voters. Amends §2-303 of the Tennessee Code Annotated.

HB 1400, Public Chapter 441, Approved 2/20/74

Relates to the number of paper ballots to be furnished each polling place. Provides that each county election commission shall provide, for each polling place at which it is holding a general election without voting machines, a number of general election paper ballots equal to 104% of the number of registered voters at the polling place. Each commission shall provide, for each polling place at which it is holding a primary using voting machines, a number of primary paper ballots for each party equal to 4% or more of the number of voters who voted in the party's last primary at the polling place. Amends §2-515 of the Tennessee Code Annotated.

HB 1461, Private Chapter 312, Approved 3/27/74

Provides that in cities under a state charter located in counties having between 43,500 and 46,000 inhabitants, only those registered voters owning real property in any such city shall be entitled to vote in any election of commissioners held under the charter.

TENNESSEE CONT'D

NOTE: This Act shall have no effect unless it is approved by a two-thirds vote of the governing body of any city to which it may apply before September 1, 1974.

HB 1584, Public Chapter 642, Approved 3/28/74

Sets hours county election offices must remain open. States that nominations by county primary boards and executive committees for the appointment of election officers must be 30 days prior to the appointment time. Provides that members of the State Election Commission shall serve for 4 [rather than 6] year terms. Amends §§2-208, 2-406, and 2-1104 of the Tennessee Code Annotated.

HB 1697, Public Chapter 657, Approved 4/2/74

Removes state representative districts 13, 14, 15, 16, 17, 18, and 19 from the list of those which must redraw their precinct lines to insure that there will be no split precincts in legislative districts. Amends §3-103 of the Tennessee Code Annotated.

HB 1742, Public Chapter 731, Approved 4/10/74

Changes filing deadlines from noon to 7:00 p.m. on dates specified for nomination papers to be filed by candidates in general elections. Amends Tennessee Code Annotated, §2-505.

HB 2141, Public Chapter 641, Approved 3/26/74

Provides that in counties having populations of not less than 12,100 nor more than 12,200, voting machines for precincts having fewer than 1,000 registered voters shall not be purchased without the approval of the Quarterly County Court or other county governing body. Amends §2-809 of the Tennessee Code Annotated.

HB 2296, Public Chapter 660, Approved 4/1/74

Relates to filing deadlines in case of the death of a candidate, as follows: No later than 12:00 noon on the 10th day before the election, the party's state primary board shall file with the county election commission of each county in which the nominee is a candidate the name of the new nominee.



## TENNESSEE CONT'D

If a candidate in a primary or nonpartisan general election dies after the qualifying deadline set in §2-505 of the Tennessee Code leaving only one candidate or no candidates for the nomination or office, additional candidates may qualify for the election for that nomination or office by filing their petition with the county election commission of each county in which the decedent was a candidate no later than 12:00 noon on the 20th day before the election. Amends §2-511 of the Tennessee Code.

HR 91, Adopted 2/6/74

A resolution to direct the House Judiciary Committee to study state laws governing the selection of delegates to national presidential nominating conventions.

HJR 554, Adopted 7/6/74

Encourages the 89th General Assembly (which will convene in 1975) to enact legislation which will permit a disabled or illiterate voter to be assisted at the polls by any reputable person he might choose. (At present he must be accompanied by his spouse, father, mother, brother, sister, son or daughter. ) Would amend §2-1226 of the Tennessee Code Annotated.

## TEXAS -----

## UTAH -----

## VERMONT

HB 350, Approved 4/3/74

Reapportions the State's General Assembly districts. Sets up procedures for future reapportionments. Provides voting locations for residents of unincorporated towns and gores. Amends various sections of Title 17 of the Vermont Statutes Annotated.

## VERMONT CONT'D

HH 426, Act 173, Approved 3/27/74

Qualifications of voters - Provides that any person who is a citizen of the United States, 18 years of age or more on election day, a resident of the State of Vermont, and has taken the freeman's oath in the form provided in the Constitution shall have the right to vote in any election for all the officers of the town, county, and district in which he resides, and for all state and national officers; and shall be entitled to vote on all the issues which are decided in the town, county, district, and state of his residence. No person shall be disqualified as a voter for failure to pay any tax. Amends §62 of Title 17 of the Vermont Statutes Annotated.

Evidence of residence - Provides that a person who claims residence in the State of Vermont for the purpose of voting shall apply to vote by filing in the office of the clerk of the town in which he claims residence a written statement in triplicate and under oath certifying the facts which establish his residence for the purpose of voting. Amends §64 of Title 17 of the Vermont Statutes Annotated.

Criminal offenders - Provides that, notwithstanding any other provisions of law, a person who is convicted of a crime shall retain the right to vote by absentee ballot in a primary or general election at this last voluntary residency during the term of his commitment under a sentence of confinement provided the person otherwise fulfills all voting requirements. No person sentenced to the custody of the commissioner of corrections may use the place of involuntary confinement as his place of residence for the purpose of qualifying to vote. Amends §807 of Title 28 of the Vermont Statutes Annotated.

Board of elections - Establishes a board of elections which shall adopt regulations governing its own procedures for counting and security of ballots and the maintenance of check lists and which may issue declaratory rulings to establish uniform procedures throughout the state for the conduct of elections by election officials. Provides that, upon appeal of any person whose application to vote has been rejected, the board shall determine whether that person is a qualified voter in his municipality. Adds §212 of Title 17 of the Vermont Statutes Annotated.

VIRGINIA

SB 202, Chapter 428, Approved 4/5/74

Makes various revisions in the Virginia Election Code, including the following:

- (1) sets new rates of compensation for members of the electoral board;
- (2) sets new rates of compensation for general registrars;
- (3) requires general registrars to publish at least once a 2 column, 4 inch minimum paid advertisement in a newspaper of general circulation at least 20 but not more than 30 days prior to the closing of registration books advising that voters who move or have moved must register in their new election district;
- (4) states that all special elections must be called at least 60 days in advance and that no special election shall be held within 60 days of a general or primary election;
- (5) lists standards to be used in determining how many voting machines shall be provided for each precinct;
- (6) provides the text of a new oath to be signed by absentee voters who are out of the state because of military service; and
- (7) provides new methods for counting absentee ballots.

HB 700, Chapter 401, Approved 4/4/74

Provides procedures for electing city or town council members following annexation of territory. Amends §15.1-1054 of the Virginia Code.

HJR 152, Adopted 3/8/74

Directs the Committees on Privileges and Elections of the House of Delegates and the Senate to continue with their study of the election laws and consider the advantages and disadvantages of a presidential preference primary. Provides that they make their report to the General Assembly not later than November 1, 1974.

## WASHINGTON

SB 2235, Chapter 73, Approved 2/15/74

Relates to absentee voting. Provides that, at each general election in even-numbered years, each absentee voter shall also be given a separate ballot containing the names of the candidates that have filed for the office of precinct committeeman provided that two or more candidates have filed for the same political party in the absentee voter's precinct and providing space for writing in the name of additional candidates. Amends §29.36.030 of the Revised Code of Washington.

Provides that, upon the canvass of the votes, if there are on file one or more absentee ballot inner envelopes, the canvassing authority shall cause such envelopes to be opened and the absentee precinct committeeman ballot shall be physically separated from the remainder of the absentee ballot. Amends §29.36.070 of the Revised Code of Washington.

SB 2429, Approved 2/13/74

Provides that a voter desiring to cast an absentee ballot must apply in writing to his county auditor no earlier than 45 days nor later than the day prior to any election or primary; provides that an application honored for a primary ballot shall also be honored as an application for a ballot for the following election if the voter so indicates on his application. Amends §29.36.010 of the Revised Code of Washington.

Provides that the county auditor continue to honor such application for all subsequent elections held in the same manner as long as the voter concerned remains qualified to vote at such elections. Amends §29.120 of the Revised Code of Washington.

SB 3003, Chapter 127, Approved 2/19/74

Registration Records - Provides that each county auditor shall establish, on or before July 1, 1975, and maintain a computer file on magnetic tape or disk, punched cards, or other form of data storage containing the records of all registered voters within the county; provided that an auditor in a county with more than 150,000 registered voters may decline to comply with certain provisions. Adds §12 to Chapter 19.07 of the Revised Code of Washington.

INGTON CONT'D

er Registration Assistance Account - Establishes, in the general  
1, an account entitled the voter registration assistance account,  
e used to compensate county auditors for unrecoverable costs  
ident to the establishment and maintenance of voter registration  
ords on electronic data processing systems. Adds §33 to Chap-  
29.07 of the Revised Code of Washington.

er Registration Rules and Regulations - Provides that the Secre-  
7 of State, as chief election officer, shall adopt rules and regu-  
ons, not inconsistent with the provisions of this chapter to: (1)  
ilitate the establishment and maintenance of voter registration  
ords by county auditors and the use of voter registration infor-  
tion in the conduct of elections; and (2) Establish standards and  
cedures for the establishment and maintenance of voter regis-  
tration records on electronic processing systems.

shall provide planning, coordination, training and other assiste-  
e in the conversion of voter registration files to maintenance  
electronic data processing and he shall administer the voter re-  
stration assistance account. Adds §14 to Chapter 29.0 of the  
rised Code of Washington.

ction Offense - Provides that any person who uses registered  
er data furnished under §§29.04.100 or 29.04.110 of the Re-  
ed Code of Washington for the purpose of mailing or delivering  
advertisement or offer for any property, establishment, or-  
ization, product, or service or for the purpose of mailing or  
ivering any solicitation for money, services or any thing of value  
ll be guilty of a felony punishable by imprisonment in the state  
itentiary for a period of not more than five years or a fine of  
more than five thousand dollars or both such fine and impris-  
ment.

ts of Registered Voters - Provides that the county auditor shall  
mptly furnish current lists or mailing labels of registered voters  
is possession, at actual reproduction cost, to any person request-  
such information; provided that such lists and labels shall not  
used for such purposes as the mailing or delivering any adver-  
ement or offer for any property. Amends §29.04.100 of the  
rised Code of Washington.

## WASHINGTON CONT'D

Partisan Office Candidate - No candidate for a partisan office shall be the party nominee unless he receives a number of votes equal to at least five percent of the total number cast for all candidates for the position sought. Amends §29.18.110 of the Revised Code of Washington.

Service Voters - Provides that the county auditor, in mailing absent voters' ballots to service voters, shall send a copy of the official voters' pamphlet. Revises the declaration of service voters. Amends §29.39.120 of the Revised Code of Washington.

HB 474, Chapter 136, Approved 2/16/74

Public Employees - Solicitations - Provides that solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited: provided, however, that officers of employee associations shall not be prohibited from soliciting dues or contributions from members of their associations. Prohibits solicitations on state property or property of a political subdivision for contributions to be used for political purposes. Amends §41.06.250 of the Revised Code of Washington.

HB 2296, Public Chapter 660, Approved 4/1/74

Election Offense - Provides that any person who uses registered voter data furnished under §§29.04.100 or 29.04.110 of the Revised Code of Washington for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value shall be guilty of a felony punishable by imprisonment in the state penitentiary for a period of not more than five years or a fine of state employment. Provides that, for persons employed in state agencies or agencies of any political subdivision of the state the operation of which is financed in total or primarily by federal grant-in-aid funds political activity will be regulated by the rules and regulations of the United States Civil Service Commission. Amends §42.06.250 of the Revised Code of Washington.

## WASHINGTON CONT'D

HB 1180, Chapter 52, Approved 2/14/74

Provides that the board of county commissioners establish a county purchasing department who shall contract on a competitive basis for all public works and purchase or lease on a competitive basis all supplies, materials, and equipment for all departments of the county, exclusive of the county hospital, and except for such contracts and purchases for the printing of election ballots, voting machine labels, other election material containing the names of candidates and ballot titles.

## WEST VIRGINIA

SB 15, Approved 3/18/74

Permits the governing body of a municipality, upon receipt of a proper petition, to hold a special municipal election for a proper governmental purpose. (Amends Article 5, Chapter 8 of the West Virginia Code.)

SB 163, Approved 2/7/74

Provides that the four candidates in each congressional district receiving the highest number of votes by democratic voters in the primary election shall bedelegates to the 1974 conference on democratic party organization and policy for the purpose of considering and adopting a permanent charter for the democratic party and other matters as authorized by the democratic national committee.

Provides that each candidate for election shall file a certificate of announcement, including a ten dollars filing fee, with the Secretary of State no later than the first Saturday of March next preceding the primary election day, which must be received by the Secretary of State before midnight eastern daylight standard time of that day, or if mailed, shall be postmarked before that hour.

SCR 35, Adopted 3/9/74

Directs the Joint Committee on Government and Finance to conduct a study of the regulation, control, and financing of political campaigns, including public financing.

WEST VIRGINIA CONT'D

HB 734, Approved 3/9/74

Provides that candidates for the House of Delegates in primary elections must reside in the district they plan to represent. (Amends Chapter 3, Article 5, §4 of the Code of West Virginia.)

HB 1365, Approved 3/21/74

Relates to the duty of county courts to alter boundary lines of election precincts so that no election precinct contains territory included in more than one delegate district. (Adds §1-2-2b to Article 2, Chapter 1 of the Code of West Virginia.)

HCR 58, Approved 3/5/74

Grants permission to introduce a bill requiring county courts to alter boundary lines of election precincts so that no election precinct contains territory included in more than one delegate district.

VISCONSIN

SB 5, Chapter 334, Approved 7/9/74

Campaign Financing - Relates generally to campaign financing. Asserts that the Legislature finds that excessive spending on campaign for public office jeopardizes the integrity of elections.

Candidate - Defines "candidate" as every person for whom it is contemplated or desired that votes be cast at any election held within the State, whether or not such person is elected or nominated, other than a candidate for president and vice-president of the United States, and who either tacitly or expressly consents to be so considered. Consequently, this Act is applicable to candidates for the United States Senate and House of Representatives.

Registration of Committees - Provides that every political party committee, every other political committee and every political group which makes or accepts contributions, incurs obligations or makes disbursements in a calendar year in an aggregate amount of \$25 shall file a verified statement with the appropriate filing officer containing information such as the name, address, and nature of the organization.



## WISCONSIN CONT'D

Continuing Reports - Requires each committee, group, or individual subject to a registration requirement to make full reports, upon a form prescribed by the board of elections, of all contributions received, contributions or disbursements made and obligations incurred. Provides that such reports shall contain such information as a statement of the total contributions from any single contributor exceeding \$10 in the aggregate during the reporting period as well as the full name and street address of each contributor of more than \$10 in the aggregate.

Nonresident Organizations - Provides that every nonresident committee or group making contributions and every nonresident individual, committee or group making disbursements exceeding \$25 cumulatively in a calendar year within the State shall file his or its name and address with the office of the secretary of state.

Campaign Treasurers and Depositories - Provides that every candidate shall appoint one campaign treasurer and shall designate one campaign depository before he receives any contribution or makes any disbursement in behalf of his candidacy.

Campaign Contributions and Disbursements - Provides that no contribution may be received or disbursed other than through the campaign treasurer of the candidate or by or through an individual or committee properly registered. Provides that an anonymous contribution exceeding \$10.00 received by a campaign or committee treasurer or by an individual may not be used or expended. Provides that every contribution exceeding \$50 shall be made by negotiable instrument bearing the name of the remitter. And every disbursement exceeding \$25 must be made by negotiable instrument bearing the name of the committee or organization.

Elections Board - Provides that the elections board shall prescribe and furnish forms for making reports, statements, and notices. Provides that the board shall issue an annual report which shall include, among other matters, total reported contributions and disbursements of all candidates and organizations as well as total amounts expended according to candidate, political party, and non-party disbursements on the state and national levels.

Contribution Limitations - Provides that no individual may make any contribution or contributions to the following offices in excess of the enumerated amounts:

WISCONSIN CONT'D

1. United States Senator, Governor, Lieutenant Governor, Secretary of State .....\$10,000
2. United States Congressman ..... \$ 5,000
3. State Senator..... \$ 1,000
4. State Representative..... \$ 500

Expenditure Limitations - Provides that no candidate for national, state, or local office shall make total disbursements exceeding certain specified amounts from the campaign treasury in any campaign. Some of the expenditure limitations include the following:

- (a) Candidates United States senator, \$150,000 in the primary and \$350,000 in the election.
- (b) Candidates for United States congressman, \$35,000 in the primary and \$50,000 in the election.
- (c) Candidates for governor, \$150,000 in the primary, and \$350,000 in the election.
- (d) Candidates for lieutenant governor, \$50,000 in the primary, and \$50,000 in the election.
- (e) Candidates for attorney general, \$50,000 in the primary, and \$100,000 in the general election.

Corporate Contributions - Provides that no foreign or domestic corporation may make any contribution or disbursement, directly or indirectly, to any political party, committee, group, candidate, or individual for any political purpose or to promote or defeat the candidacy of any person.

Penalties - Provides for various civil and criminal penalties for violations of this Act. Provides that any candidate or public official who is charged with or is being investigated for a violation may establish a defense fund for legal expenses.

Prohibited Election Practices - Enumerates and defines various prohibited election practices, such as election day campaigning, false statements, election threats, election bribery, and election fraud.

## WISCONSIN CONT'D

SB 8-x, Chapter 336, Approved 7/3/74

Revisor's Correction Bill: Makes various amendments to the Wisconsin Statutes for the purpose of correcting errors, supplying omissions, clarifying references, etc. For example, states that if a special election is held concurrently with the spring election, the date for the special election shall be not less than 69 nor more than 84 days from the date of the applicable order.

AB 89, Chapter 222, Approved 5/6/74

Relates to late registration of qualified voters. States that late voter registration cards shall be substantiated by the affidavits of two registered voters who are electors in the same ward or aldermanic district. (Amends §§6.55(2)(a) and (3) of the Wisconsin Statutes.)

AB 370, Chapter 164, Approved 3/5/74

Provides for a revision of the registry of electors in cities of the 1st class. Provides for examination of the registration records following each November general election and the cancellation of the registration of any elector who has not voted at the previous general election after mailing a notice of suspension of registration to the elector. Amends §6.50 of the Wisconsin Statutes Annotated.

AB 493, Chapter 225, Approved 5/6/74

Initial Registration: Provides that a qualified elector may register at the polls on the day of the first general election held after registration is required or adopted. (Amends §6.28 of the Wisconsin Statutes.)

AB 754, Chapter 313, Approved 5/30/74

Relates to the checking of absentee ballots during recount proceedings. Amends §§9.01 (1)(b) 3, and 4 and creates §9.01 (1)(b) 1m of the Wisconsin Statutes.

AB 1246, Chapter 280, Approved 5/20/74

Changes the date of the spring primary to the 3rd Tuesday in February. Makes corresponding changes in filing periods, etc., in keeping with this new date. Makes various changes in the Wisconsin Election Code relating to spring primary elections.

## WYOMING

HB 16, Chapter 24, Approved 2/20/74

Electronic Voting System - Provides for an electronic voting system, which shall provide: (1) For voting in secrecy; (2) Permit each voter to vote at any election for all candidates and offices, and on any question, for which he is lawfully entitled to vote; (3) Permit voting either by paper ballot or by ballot card; (4) Permit each voter, at presidential elections, by one mark or punch to vote for candidates of one party for president, vice president, and presidential electors or to write-in a name for president; (5) Provide for replacement of spoiled ballots; (6) Permit both absentee and write-in voting; (7) Provide automatic tabulating equipment which shall reject choices recorded on a ballot exceeding the number allowed, and at a primary election reject choices for candidates from a party other than the party for which a preference is expressed; and (8) Be of durable construction and otherwise suitably designed to function safely, efficiently, and accurately, when properly operated, in recording, tabulating, and counting every vote cast. Provides that all provisions of the election code governing the conduct of elections shall apply to elections in which electronic voting systems are used, except that the county clerk of any county in which an electronic voting system is used may make such modifications in ballot or ballot label form as are necessary to facilitate the use of the electronic voting system and yet maintain the integrity of the election and the intent of the law. Adds Sections 22.1-169.1 through 22.1-169.7 and 22.1-358.1 and 22.1-358.1 to the Wyoming Statutes Annotated.

Other Election Law Revisions - Makes various other revisions of the election laws of Wyoming. For example, provides that previous voter registrations are in effect. Alters dates for issuing election proclamations, specifying the content thereof and requiring county clerk to issue. Requires registrant affirmation if registered in another county or state. Provides for nomination by applications in certain cases. Provides for county clerks to conduct all elections. Provides for all absentee ballot applications and application for nomination for elections below state level to be made to the county clerk or town clerk. Provides compensation for attendance at training schools and altering rate of payment for election officials. Alters time in which absentee ballots shall be counted.

P.L. 93-376 (H.R. 15074), Approved 8/14/74

Political Committees - Requires each political committee to have a chairman and treasurer in order to accept contributions and make expenditures. All committee expenditures must be authorized by the chairman or treasurer or their designated agent. Each candidate must designate one committee as his principal campaign committee, which will receive reports made by the candidate's other political committees. Each candidate and political committee must designate a campaign depository into which all contributions must be deposited and from which all expenditures must be made by check.

Registration of Political Committees and Candidates - Requires political committees to file a statement of organization within 10 days after its organization. Candidates must file a registration statement within 5 days of becoming a candidate or within 5 days of receiving a contribution or making an expenditure for campaign purposes.

Reporting Requirements - Except for petty cash spending, each political committee and candidate must keep a record of the following: Contributions to or for the committee or candidate; for contributions of \$10 or more, the name, address, occupation, and principal place of business of the contributor, the date and the amount of the contribution; all expenditures made by or on behalf of the candidate or committee; the name, address, occupation, and principal place of business of person to whom expenditure is made, the date and amount of the expenditure and the candidate on whose behalf the expenditure is made. Both political committees and candidates must file reports at specified times to disclose the source and disposition of campaign funds. Specifically, such reports must disclose the name, address, occupation, principal place of business of each contributor of more than \$50; the amount of proceeds from the sale of tickets to dinners, etc., from mass collections made at such events, and from the sale of campaign pins and emblems; amount and nature of loans, etc. Such report must be filed with the Director of Campaign Finance. Each person, other than a political committee or candidate, making contributions or expenditures, other than to a candidate or committee, amounting to \$50 or more during one year must file a report with the Director.

Campaign Literature - Requires that all advertisements, posters, handbills, bumperstickers, and billboards intended to support or defeat a candidate contain the name of the person or committee responsible for the publication.

Board of Elections and Ethics - Established to take the place of the former Board of Elections. Board may assess \$50 civil penalty for each violation of this Act.

Board of Elections and Ethics Nominating Committee - Committee has function of nominating persons for appointment to the Board.

Director of Campaign Finance - Establishes within the D.C. Board of Elections and Ethics the office of the Director of Campaign Finance. All campaign disclosure reports must be filed with the Director, who is also responsible for making audits and field investigations with respect to the filing of such reports. Duties of the Director also include developing forms for making reports, preserving records of reports, etc.

Contribution Limitations - Individual contribution to candidate's primary and general election campaigns limited to: \$1,000 for Mayor; \$750 for Chairman of Council; \$500 for Member of Council elected at-large; \$200 for Member of Council elected from a ward. Contributions from a person, which includes a candidate contributing to his own campaign, an organization, corporation, labor organization, association, etc. limited to: \$2,000 for Mayor; \$1,500 for Chairman of Council; \$1,000 for Member of Council elected at-large; \$400 for Member of Council elected from a ward, except that such candidate can contribute \$1,000 to his own campaign. Individual aggregate contributions in connection with one election limited to \$2,000. The limitations as they apply to corporations and labor unions expire as of July 1, 1975, unless the City Council enacts legislation to the contrary. Earmarked contributions are treated as coming from the original source for purposes of limitations.

Expenditure Limitations - Principal campaign committee, other political committees reporting to it and candidate, when aggregated together, for primary and general election campaigns are limited to:

1. Mayor - \$200,000 (but not more than \$120,000 for one campaign and \$80,000 for other campaign)
2. Council Chairman - \$150,000 (but not more than \$90,000 for one campaign and \$60,000 for other campaign)
3. Council Member Elected At-Large - \$100,000 (but not more than \$60,000 for one campaign and \$40,000 for other campaign)
4. Council Member Elected from Ward - \$20,000 (but not more than \$12,000 for one campaign and \$8,000 for other campaign)

Lobbying - Requires the keeping of records and receipts for any contributions or expenditures relating to lobbying activities and statements dealing with such contributions and expenditures must be filed with the Director of Finance. Lobbyist must register with the Director. Violations of Lobbying Laws is made a criminal offense.

Conflicts of Interest - Public official who is required to take an action or make a decision that would affect his household member's, his business associates' or his clients' financial interests must file with the Board of Elections and Ethics a written statement describing the matter to be decided and the potential conflict. Mayor or Council Members may not represent another person before a regulatory agency or a court in the District of Columbia.

Financial Disclosure - Requires the Mayor, the Council Members and candidates for public office to disclose regarding the preceeding year: the amount and source of each item of income exceeding \$100; the identity of each asset exceeding \$1,000; any transaction in securities or commodities exceeding \$5,000; any purchase or sale exceeding \$5,000; and the amount of tax paid. Such officeholders and candidates, in addition to D.C. employees who perform GS-15 level duties, are required to file annually: corporation, firm or enterprise from which he received compensation as an officer or employee; and the identity of each trust in which he holds a beneficial interest exceeding \$10,000.

## SECTION II - FEDERAL LEGISLATION

### SYNOPSIS OF MAJOR FEDERAL LEGISLATION

#### MEASURES ENACTED INTO LAW:

Presidential Election Campaign Fund - Public Law 93-53, enacted on July 1, 1973, originated as Amendment No. 215 to H.R. 8410. The amendment was proposed by Senator Hubert Humphrey, and concerns the Presidential Election Campaign Fund, established within the United States Treasury. One purpose of the amendment is to make the fund nonpartisan by removing the use of the separate account. Thus, under the new law, the option formerly available to the taxpayer to specify the political party or separate account to which his tax check-off money would go has been eliminated.

The new law also requires that the check-off designation be made either on the first page of the tax return or on the page bearing the taxpayer's signature. The purpose of this section is to eliminate the separate tax form that had to be filled out by the persons who wished to contribute \$1 to the Fund, thus making the tax check-off provisions more noticeable and less confusing.

Amendment No. 215 also adds a new provision to the former law by requiring the Secretary of the Treasury, in disbursing the check-off money, to withhold payments if there are not sufficient funds to satisfy the full entitlement of all eligible candidates, in order to insure that the eligible candidates of each political party will receive a pro rata share of their full entitlement.

Other amendments concerning the fund were also made by Public Law 93-443.

Franking Privilege - Public Law 93-191, enacted on December 15, 1973, resulted from apparent confusion over the use of the frank. Due to difficulties caused by various Federal court decisions and because the Post Office Department ceased giving advisory opinions on the use of the frank in 1968, certain Members of Congress desired to clarify the proper use of the franking privilege by amendatory legislation.

H.R. 3180 (Udall) was passed by the House, 354 to 49, April 11, 1973 and passed the Senate, amended, October 11, 1973. A conference report was agreed to by both Houses in December, 1973.

The new law amends provisions of Title 39 of the United States Code to clarify the use of the franking privilege by Members.



Examples are given of material which may or may not be sent as franked mail, and a Commission of Mailing Standards is created to give advice and counsel through advisory opinions upon request of a Member, to prescribe regulations concerning the frank, and to investigate and to rule upon complaints of abuse. The new law also prohibits mass mailings under the frank less than 28 days prior to a primary or general election in which the Member is a candidate.

Other amendments concerning the franking privilege were made by Public Law 93-443.

Contributions by Diplomatic Personnel - Public Law 93-126, enacted on October 18, 1973, requires each nominee for appointment as U.S. ambassador or minister to report political contributions made by him or his family during the preceding four years to the Speaker of the House and to the Senate Foreign Relations Committee. This reporting requirement was part of H.R. 7645, which authorized appropriations for the Department of State.

Government Employees - Political Activities - Public Law 93-268, enacted on April 18, 1974, amends the Hatch Act in order to deal with the change in the status of the District of Columbia government under the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198. On November 26, 1973, the House passed H.R. 6186, a bill dealing with the District of Columbia Revenue Act of 1947. On December 14, 1973, the Senate passed the bill with an amendment exempting the District of Columbia Mayor and Council Members from coverage under the Hatch Act. The House refused to go along with this amendment and on December 20, 1973, proposed to amend the Hatch Act by permitting all federal and District of Columbia government employees, including Commissioners, to be candidates for the first election under Public Law 93-198 for the office of Mayor, Council Chairman or Council Member. On April 2 and 3, 1974, the House and the Senate respectively agreed to Conference Report 93-955. As approved, this law permits federal and District of Columbia government employees to be candidates for the first primary and general elections under the Self Government Act. Although this exemption from the Hatch Act terminates as of 1/2/75, the Hatch Act is further amended by clearly stating that its political activity prohibitions are not applicable to the District of Columbia Mayor, Council Member or Council Chairman.

Public Law 93-443, enacted on October 15, 1974, amends the Hatch Act by removing the prohibition against taking a active part in political campaigns as it applies to State and local employees. The prohibition was replaced with a restriction against being a candidate in a partisan election.

7.

Campaign Financing Reform - Public Law 93-443, enacted on October 15, 1974, made major, comprehensive changes in the federal laws governing campaign financing reform. Although the measure finally enacted into law was S. 3044, other bills on the subject of campaign reform also received Congressional action. Among them were S. 372 and H.R. 16090. As enacted, Public Law 93-443 provides as follows:

**Contribution Limitations** - A \$1,000 limit is placed on contributions by individuals, organizations, and certain political committees; a \$5,000 limit on political committees which have received contributions from at least 50 persons and contributed to 5 or more federal office candidates; and a \$25,000 limit on aggregate contributions by one individual during one year or toward one election. A candidate's principal campaign committee is not subject to any contribution limitation.

**Expenditure Limitations** - Presidential candidates may not expend more than \$10 million in a campaign for nomination, nor more than \$20 million in a campaign for election. Senatorial candidates are limited to the greater of 8 cents per voting age person in the State or \$100,000 in a nomination campaign; and the greater of 12 cents per voting age person in the State or \$150,000 in a general election campaign. Candidates for the House of Representatives may not expend more than \$70,000 in a campaign for nomination or election. Independent expenditures made by a person, other than on behalf of a candidate, are limited to \$1,000. In addition to the above expenditure limitations, the national committee and the State committees of a political party are permitted to make expenditures within certain limitations.

**Political Committees and Campaign Depositories** - Each federal office candidate is required to designate a principal campaign committee, and campaign depositories. At the depository designated by the candidate, the principal campaign committee and any other committee authorized by the candidate to accept contributions and make expenditures will maintain a checking account, into which all contributions will be deposited and from which all expenditures will be made.

Independent Commission to Supervise and Enforce Election Laws - An eight member Federal Election Commission is established. Campaign disclosure reports are to be filed with the Commission, which is also responsible for certifying public financing payments to Presidential candidates. The Commission has primary jurisdiction with respect to civil enforcement of federal criminal provisions relating to political activities and to the provisions of this Act. Criminal enforcement of provisions relating to political activities and elections remains with the Attorney General, to whom the Commission may refer violations. The Attorney General must report back to the Commission with respect to action taken on the referral within 60 days. Upon request of a federal candidate or political committee, the Commission will render an advisory opinion on the legality of any specific transaction or activity.

Public Financing of Presidential Campaigns - National committees of major and minor parties will be granted public funds to defray expenses incurred with respect to Presidential nominating conventions. Public funds will also be available to match every contribution to a presidential candidate in a primary campaign up to \$250 per contributor. (Under another law, presidential candidates are entitled to public financing for general election campaigns if they meet certain conditions.)

Frank - Members of Congress are prohibited from using mailing under the frank to solicit funds (or make mass mailings under another law).

Taxation of Political Organization - Public Law 93-625, enacted on January 3, 1975, imposes a tax on certain income earned by political organizations. Incorporated into H.R. 421, a measure permitting the impairment of upholstery equipment free of duty, the taxation provisions originated in the Senate which passed the bill on December 17, 1974. Since the taxation provision did not appear in the bill as it passed the House, the measure went to conference. The conference committee retained the tax provisions (H. Rept. 93-1642), and both Houses agreed to the conference report on December 20, 1975.

The new law imposes a tax on income earned by political organizations from investments, appreciated property, and business activities. It also increases the tax deduction for political contributions to \$100 per year and the tax credit to \$25 per year.

#### OTHER MAJOR MEASURES CONSIDERED:

Voter Registration - As a result of a voter decline during the 1960's and the low voter turnout during 1972 general election, several bills were introduced in the 93rd Congress, First Session, concerning new methods of voter registration. One of these bills was S. 352, which was introduced by Senator McGee on March 12, 1973 and referred to the Senate Post Office and Civil Service Committee. The bill would have established within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service. In addition, it would have authorized the Administration to enter into agreements with the Postal Service for the preparation and distribution of voter registration forms to voters.

The Senate Post Office and Civil Service Committee held hearings, on S. 352 on February 7 and 8 and on March 16, 1973. Spokesmen for the League of Woman Voters, AFL-CIO, and the National Education Association all testified in behalf of a uniform voter registration system. According to the testimony of Mary Lawton, Deputy Assistant Attorney General, the Justice Department was opposed to S. 352 because of the constitutional complexities related to the jurisdiction of the States in this area, the apparent potential for fraud, and the possible costs of implementing such legislation. S. 352 was reported from the Committee on March 27, 1973, S. Rept. 93-91.

Cloture on the debate of S. 352 was invoked on May 9, and the bill passed the Senate amended. The Subcommittee on Elections of the House Administration Committee held hearings on H.R. 8053 and S. 352 on June 27 and 28 and on July 19 and 25.

On February 5, 1974, H.R. 8053 was reported with amendments from the Committee, H. Rept. 93-778. The most significant change in the reported version of H.R. 8053 was that it would have established the Voter Registration Administration in the General Accounting Office, rather than in the Census Bureau., as S. 352 proposed.

On May 8, 1974, by a vote of 197-204, the House refused to approve the rule under which H.R. 8053 was to be debated on the House floor. Hence, the measure was never brought to the floor of the House for further action.

Provisions similar to those in S. 472 establishing a system of grants to State and local governments to carry out voter registration and election programs were incorporated into S. 372 as it passed the Senate. (See below)

Primary, Convention, and Election Day - In addition to efforts to increase voter participation by increasing the number of registered voters, legislation has been introduced making Election Day a Federal holiday.

In the 93rd Congress Senator Pell introduced S. 1303 designating the first Saturday in November as Federal Election Day. Hearings were held before the Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration in April, 1973. Some objections were raised regarding possible disenfranchisement of members of certain religious faiths.

In addition, Senator Robert F. Byrd of West Virginia introduced S. 343 to move the Federal election day forward by one month. This move was advocated by those who maintained that voters had chosen their candidates far in advance of the election, that reduction in campaign expenditures would occur and that an earlier election would produce an election day with better weather in most parts of the country. A number of objections to this change were voiced with regard to the potential conflict with religious holidays, and the increased difficulty for students to register. The Committee reported out the bill amended (S. Rept. 93-217) and on June 27, 1973, the measure was passed by the Senate. Although S. 343 originally designated the Tuesday after the first Monday in October as the day for holding federal elections, this provision and others were extensively amended during the debate. In the version passed by the Senate, federal election day would have remained on the Tuesday next after the first Monday in November, which would be a national holiday. In addition, S. 343 also provided that primaries and nominating conventions to choose federal office candidates be held only during August and September of an election year. After Senate passage, the bill was referred to the House Administration Committee, but never received any further action.

The Senate passed version of S. 3044, enacted as Public Law 93-443, contained a section which made election day a federal holiday. However, the conference committee omitted the provision in the final version of the measure.

Absentee Ballots - S. 2102 and S. 2384 - These measures would have extended the right to vote by absentee ballot to U.S. citizens, otherwise qualified to vote, who were residing overseas. Hearings on this subject were held on September 26 and 27, 1973 by the Senate Rules and Administration Committee, Subcommittee on Privileges and Elections. An amended version of S. 2102 was reported on June 28, 1974, S. Rept. 93-1016, and the measure passed the Senate on July 18, 1974. It received no action in the House.

Watergate Committee - S. Res. 60 - The Senate on February 7, 1973 established the Select Committee on Presidential Campaign Activities to conduct an investigation and study unethical activities in the Presidential election of 1972. After extensive hearings on the 1972 Presidential election campaigns, the Committee issued its final report on July 13, 1974, S. Rept. 93-981.

Special Prosecutor - S. 2611 and S. 2642 - Under this measure introduced by Senator Taft, an Independent Special Prosecution Office would be established to investigate and prosecute offenses and other matters arising out of the 1972 Presidential election. After the referral to the Judiciary Committee, the bill was reported amended and reported from the Committee on December 3, 1973, (S. Rept. 93-596). No further action was taken on it.

Criminal Offenders - Right to Vote - H.R. 9020 - This bill, introduced by Congressman Rastenmeier, would have prohibited denying citizens the right to vote in Federal elections on the basis of prior conviction of a federal offense, except in cases where the person was confined at the time of the election or where the crime was related to voting or elections. On January 30, 1974, hearings were held on this measure by the Judiciary Committee, Subcommittee on Courts, Civil Liberties, and the Administration of Justice. No further action was taken on the measure.

## NOTE

The following summary of Federal bills and resolutions and their status includes:

- All measures introduced in the Second Session (1974) of the 93rd Congress
- All measures introduced in the First Session (1973) of the 93rd Congress that have received action

For a complete listing of all measures introduced in the First Session, please refer to the 1973 Final Issue of the Survey.



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 23*	ACTION
Byrd (W. Va.) 1/4/73 Rules & Administration	SENATE: 4/11-12/73 - Hearings by Subcom. on Privileges & Elections
	CAMPAIGN FINANCING - CONTRIBUTION LIMITATION: - \$25,000 individual contribution to a Federal office candidate
S. 343*	ACTION
Byrd (W. Va.) 1/12/73 Rules & Administration	SENATE: 4/11-12/73 - Hearings by Subcom. on Privileges & Elections 6/14/73 - Reported from Com. S. Rept. 93-217 6/27/73 - Passed Senate 6/29/73 - Referred to House Administration Com.
	DAY FOR HOLDING PRIMARIES AND CONVENTIONS - DESIGNATE: - Would limit to approximately 3 months the period between election day and the day on which a Federal office candidate is nominated by requiring that Congressional candidates, of a political party, if chosen by primary or convention, must be nominated after the first Tuesday in August; and Presidential candidates, of a political party, if chosen by a national convention, must be nominated after the third Monday in August of a Presidential year [present law makes no requirements about the date on which a convention or primary is to be held]
	DAY FOR HOLDING ELECTIONS - HOLIDAY: - Election day, the first Tuesday after the first Monday in November in 1976 and every second year thereafter
S. 352*	ACTION
McGee 1/12/73 Post Office & Civil Service (See also, H.R. 8053 p. 96)	SENATE: 2/7-8/73 & 3/16/73 - Hearings by Com. 3/27/73 - Reported from Com. S. Rept. 93-91 5/8/73 - Passed Senate HOUSE: 5/10/73 - Referred to H. House Administration Com. 6/27-28 & 7/19, 25/73 - Hearings by Subcom. on Elections

CALL NUMBER,  
SPONSOR,  
DATE, AND  
COMMITTEE

MAJOR PROVISIONS

REGISTRATION - MAIL:

- Voter Registration Administration established within Bureau of Census to administer a voter registration program for Federal elections through the Postal Service
  - President to appoint, with the advice and consent of the Senate, an Administrator and two Associate Administrators
  - Administration to collect, analyze and arrange for the publication and sale by Government Printing Office of information concerning elections in the United States
  - Person who fulfills the requirements to be qualified voter under State law and who is registered under this Act is entitled to vote in Federal elections held in that State
  - State required to provide for the registration of all of its residents who apply no later than 30 days immediately prior to a Federal election
  - Administration to prepare voter registration forms in sufficient quantities for postal delivery and for public distribution
  - Administration to reimburse States for cost of processing post card registrations for Federal elections, and may also make additional payments to States adopting the post card registration system, but latter payments may not exceed 30% of the cost of reimbursements to the State
- ELECTION OFFENSES - VOTER FRAUD:
- Administration to assist State officials when they have reason to believe that individuals who are not qualified electors are attempting to register to vote under this Act
  - Crime punishable by \$10,000 fine and 5 years imprisonment for a person to knowingly give false information for the purposes of establishing his eligibility to register to vote under this Act or to encourage false registration and illegal voting by another person
  - Crime punishable by \$5,000 fine and 5 years imprisonment for a person to deprive another person of any right under this Act

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 372* Pastore 1/16/73 Commerce (See also, Pub. L. 93-443 p. 184)	<div data-bbox="439 156 529 177">ACTION</div> <div data-bbox="308 181 840 795"> <div data-bbox="308 181 840 624"> <div data-bbox="308 181 513 202">SENATE: 1/23/73</div> <div data-bbox="550 181 840 624"> <div data-bbox="550 181 840 240">- Referred jointly to Commerce Com. and Rules &amp; Administration Com.</div> <div data-bbox="420 244 840 303">3/7-13/73 - Hearings by Commerce Subcom. on Communications</div> <div data-bbox="415 307 840 391">4/10-12/73 - Hearings by Rules &amp; Administration Com., Subcom. on Privileges &amp; Elections</div> <div data-bbox="415 395 840 454">5/22/73 - Reported from Commerce Com. S. Rept. 93-170</div> <div data-bbox="420 458 840 543">6/6-7/73 - Hearings by Rules &amp; Administration Com., Subcom. on Privileges &amp; Elections</div> <div data-bbox="420 546 840 606">7/11/73 - Reported from Rules &amp; Administration Com. S. Rept. 93-310</div> <div data-bbox="420 609 840 624">7/30/73 - Passed Senate</div> </div> <div data-bbox="308 628 840 795"> <div data-bbox="308 628 840 665">HOUSE: 7/31/73 - Referred to House Administration Com.</div> <div data-bbox="428 669 840 795"> <div data-bbox="428 669 529 750">10/2, 10, 16, 25 &amp; 11/15 &amp; 29/73</div> <div data-bbox="550 732 840 795">- Hearings held by and concluded by Subcom. on Elections</div> </div> </div> </div> </div>

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1973  
S. 372

Broadcasting - Political - Equal Time:

1. Would repeal equal time requirements of the Communications Act (47 U.S.C. 315) for candidates for Federal offices. Present law requires that whenever a broadcast licensee permits a candidate for an elective public office to use broadcast facilities, it must afford an equal opportunity to all other candidates for the same office to use such broadcast facilities.
2. Provides that any remaining obligation which a licensee may have to permit Federal office candidates, other than Presidential candidates, to use its broadcast facilities shall be met if such candidates are given 15 minutes of broadcast time without charge during a period beginning 10 days after candidacy commences and ending the day before election day.
3. Would bar a station from charging a candidate for broadcast time unless the candidate certifies that payment of such charge would not violate any state or Federal campaign spending limitation.
4. Would require each station to maintain a record of political broadcasts for two years.

Campaign Advertising:

Would add a new provision to the Communications Act requiring that:

1. Any person causing a political advertisement to be published must furnish to the publisher his identification in writing, together with the identification of any person authorizing him to cause the publication.
2. A published political advertisement contain a statement identifying the person who authorized the ad.
3. Any publisher of political advertisements maintain a record of any ads for two years after the date of publication.
4. Newspaper and magazine space be sold to candidates for Federal elective office at the same charge which is made for comparable use of such space for other purposes.

Under present law, a publication (or distribution) of political statements must contain the name of whoever is responsible for such publication. (18 U.S.C. §612)

Candidates & Federal Officeholders -  
Financial Disclosure:

Would require each candidate for election to Congress, Federal officeholders and certain government employees to file with the Commission a full statement of their personal financial affairs including:

1. the amount and source of each item of income, gift or reimbursement over \$100,
2. identity of each asset and the amount of each liability over \$1,000,
3. all dealings, involving over \$1,000, in securities and commodities,
4. all purchases or sales of any interest in real property which has a value of more than \$1,000

received by, held by or made by him and his spouse during the preceding calendar year.

Provides that the Commission shall make such statements of financial disclosure available for public inspection.

At present, there is no statutory requirement that candidates for Federal office must make financial disclosure reports. However as to Members of Congress, the Rules of the Senate require that financial disclosure statements be filed by all Senators and candidates for the Senate with the Comptroller General. In the case of Representatives, the House rules require that only incumbents have to file with the House Committee on Standards of Official Conduct. While, statements filed by Senators are to be kept confidential and statements filed by Representatives are open only to "responsible public inquiry."

Registration:

1. Would require each Federal office candidate to file with the Commission a registration statement which would include an identification of any individual or political committee authorized to receive contributions or make expenditures, and of his campaign depository. Under present law, only political committees must register.
2. Would require each political committee to register by filing a statement of organization within 10 days after the date the committee is organized. Under present law, such statements need be filed only if the committee has reason to anticipate that it will receive contributions or make expenditures amounting to \$1,000 in one year.

Campaign Financing -  
Definitions:

1. "Election" - would exclude election of delegates to constitutional conventions from coverage of the Act.
2. "Political Committee" - would extend coverage of the Act to include:
  - a. Any committee, club, association or other group of persons receiving contributions or making expenditures amounting to \$1,000 or more in a year;
  - b. Any national committee, association or organization of a political party or State affiliate thereof;
  - c. Any committee, association or organization engaged in the administration of a segregated fund set up by a corporation or labor union for political purposes as provided in 18 U. S. C. §610.

Under provisions of the present law, only those committees, associations or organizations which accept contributions or make expenditures of \$1,000 or more per year are covered by the reporting requirements of the Act.

3. "Contribution" and "Expenditure" - would include under coverage of the Act contributions and expenditures made for the purpose

of financing activities of a political committee, but volunteer work shall not be considered an expenditure.

Independent Commission to Supervise & Enforce Elections Laws:

1. In lieu of the Secretary of the Senate, Clerk of the House, and Comptroller General as in existing law, an independent Federal Election Commission would be established to receive reports and statements required by the Act and to enforce certain laws relating to election crimes set forth in Title 18 of the United States Code, such as provisions limiting contributions and expenditures, etc. Empowers the Commission to assess civil penalties for such violations, but the penalty may not be more than \$10,000 per violation.
2. Provides that the Commission will be composed of the Comptroller General, ex officio, and two other members appointed by the President with the advice and consent of the Senate.

Authorization of Presidential Campaign Expenditures:

Would require that any expenditure of \$1,000 or more made by a Presidential or Vice Presidential nominee of a political party be specifically approved by the treasurer of the national committee of the political party.

Unexpended Contributions:

Would permit candidates to use the amounts which are received as contributions but exceed the amounts necessary to defray campaign expenditures, to defray any ordinary and necessary expenses incurred in connection with his duties as a holder of Federal office; or such funds may be contributed to a charitable organization.

Government Contractor Contributions:

Corporations and labor unions which have U.S. government contracts would be permitted to make political contributions on the same basis as other similar organizations under 18 U.S.C. §610.

Under present 18 U.S.C. §611, all government contractors are prohibited from making political contributions, but the statute does not specifically state whether they may maintain segregated funds as is permitted under 18 U.S.C. §610.

Contributions & Expenditures -  
Reporting Requirements:

1. Would add to present requirements that political committees and candidates file periodic reports concerning receipts and expenditures in connection with a general election by making the requirements also apply to primary elections.
2. Would make more stringent provisions regarding contributions of \$3,000 or more which are made after the last report prior to an election is filed. Would require that the contributions be reported within 24 hours of their receipt rather than within 48 hours as is now mandated for \$5,000 contributions.
3. Would change present provisions requiring that a record be kept of the address, occupation, and principal place of business of contributors giving more than \$10, by requiring such records only where more than \$100 is given. For contributors giving between \$10 and \$100, would require a record of the name and address of the contributor.
4. Would extend the reporting requirements of the Act regarding earmarked contributions to political committees by providing that there must be disclosed such information as the Commission may require concerning any earmarked, incumbered or restricted contribution or other special fund.
5. Would retain present requirements regarding expenditures by a person for a candidate by requiring that every person who makes contributions or expenditures, other than by contribution to a political committee or candidate, amounting to \$100 or more per year must file with the Commission a statement concerning the contributions or expenditures.

Campaign Depositories:

Would require each candidate and the treasurer of each political committee to designate one or more banks as campaign depositories, into which all campaign contributions must be deposited, and, from which all expenditures must be made.

Political Committees:

1. Congressional Candidates - would be required to designate one political committee as a central campaign committee.



2. Presidential Candidates - would be permitted to designate in each State one State campaign committee, in addition to the central campaign committee. Requires such committee to receive all reports filed by other political committees, consolidate them and furnish them to the Committee.

Limitation on Contributions & Expenditures from Candidates  
Personal & Family Funds:

Would increase the amount a Federal office candidate may spend from personal and family funds per year as follows:

President and Vice President	- from \$50,000 to \$100,000
Senator	- from \$35,000 to \$70,000
Representative	- from \$25,000 to \$50,000

Limitation on Amounts of Contributions:

Would place the following limitations on contributions during one year:

- \$3,000 - Individual contribution to a Congressional candidate
- \$3,000 - Individual contribution to a Presidential candidate
- \$25,000 - Individual contribution to all Federal office candidates and political committees
- \$50 - Limit for cash contribution; all contributions over that amount must be made in form of a written instrument identifying the contributor.

Limitations on Amounts of Expenditures:

Would place the following limitations on all expenditures, not just media expenditures as in existing law: [Note: amounts would be increased as the Price Index increases]

1. Primaries - greater of:
  - a. 10 cents per person of voting age; or
  - b. 1) Representatives - \$90,000 if from a State entitled to more than one Representative
  - 2) Senators - \$125,000

- 3) President - \$125,000 in each State
- 2, General Election - greater of:
  - a. 15 cents per person of voting age
  - b. 1) Representatives - \$90,000 if from a State entitled to more than one Representative
  - 2) Senators - \$175,000
  - 3) President - \$175,000 in each State

Would bar any person from making any charge exceeding \$100 for services or products knowingly furnished in connection with a Federal office campaign unless there is written certification from the candidate (or an authorized person) that payment of the charge will not exceed the expenditure limitations of this Act.

Corrupt Practices - Campaign Financing - Penalties - Criminal:

<u>Provisions Violated</u>	<u>Penalty</u>
1. Disclosure of Campaign Funds	Fine: \$10,000 Prison: 1 year [Misdemeanor]
2. Same, but with knowledge or reason to know of violation	Fine: \$100,000 Prison: 5 years
3. Failure to file Financial Disclosure Reports or filing False Reports	Fine: \$2,000 Prison: 1 year
4. Expenditure Limitations, if knowingly or willfully violated	Fine: \$25,000 Prison: 5 years
5. Contribution Limitations	Fine: \$25,000 Prison: 5 years
6. Cash Contribution Limitations	Fine: \$1,000 Prison: 1 year
7. Contributions and Expenditures from Personal Family Funds	Fine: \$25,000 Prison: 5 years

- |   |   |
|---|---|
| 8. a) Embezzlement or conversion of political contributions                           | Fine: \$25,000<br>Prison: 10 years; but if value of property is not over \$1,000, Fine: \$1,000<br>Prison: 1 year |
| b) Use of campaign fund to pay attorney fees for defense of person charged with crime | .   |

Civil:

Would make any person who violates any provisions relating to the disclosure of campaign funds (Title III of the Federal Election Campaign Act of 1971) subject to a civil penalty by the Commission of not more than \$10,000 for each violation. Provides that each occurrence of a violation shall constitute a separate offense and in determining the amount of the penalty, the Commission shall consider the person's history of previous violations, the appropriateness of such penalty to the financial resources of the person charged, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation.

Franking Privilege:

Would bar Members of Congress from making any mass mailing of a newsletter or mailing with a simplified form of address under the frank during a period of 60 days before the day of an election in which he is a candidate. [Note: Congress has recently enacted a new franking law, Pub. L. 93-191 (H.R. 3180)]

Effect on State Law:

Provides that provisions of the Federal Election Campaign Act preempt any provision of State law regarding campaign for nomination or election to Federal office.

Under the present law, a State law remains in effect so long as it is not in conflict with any Federal provision.

Voter Registration;

Would add a new title to the Federal Campaign Act of 1971.

Would direct the Federal Election Commission to:

1. make grants to States and political subdivisions to carry out programs of voter registration and election administration; \*
2. collect, analyze, and arrange for the publication of information concerning voter registration and elections in the United States; and
3. prepare and submit to the President and the Congress on March 31 each year a report on the activities of the Commission under this title and on voter registration and election administration in the States and political subdivisions thereof, including recommendations for such additional legislation as may be appropriate.

Would establish an Advisory Council on Voter Registration and Election Administration to advise and assist the Commission in the preparation of regulations for carrying out its duties with regard to voter registration.

BILL NUMBER,  
SPONSOR,  
DATE, AND  
COMMITTEE

MAJOR PROVISIONS

S. 472\*

Kennedy  
1/18/73  
Post Of-  
fice &  
Civil Ser-  
vice

ACTION

SENATE: 2/7-8 &

3/16/73 - Hearings by Com.

REGISTRATION - ASSISTANCE TO STATES FOR:

- Voter Registration Administration established within the Bureau of Census to carry out program of financial assistance to States and local governments for the purpose of registering voters
- President to appoint, with the advice and consent of the Senate, an Administrator and two Associate Administrators
- Administrator authorized to make grants to any State or political subdivision to defray costs of voter registration, to increase voter registration, to modernize voter registration, to carry out mail voter registration and to provide technical assistance for fraud prevention

S. 1094\*

Scott (Pa.)  
3/6/73  
Post Of-  
fice &  
Civil Ser-  
vice

ACTION

SENATE: 4/11-12/73 - Hearings by Subcom. on  
Privileges & Elections

CAMPAIGN FINANCING -

INDEPENDENT COMMISSION TO SUPERVISE  
& ENFORCE ELECTIONS LAWS:

- Federal Election Commission established with power to initiate and prosecute court actions to enforce laws relating to disclosure of campaign funds
- CAMPAIGN COMMITTEES:
- Candidate must designate central campaign committee which will have all reports regarding campaign contributions and expenditures

S. 1103\*

Hart  
3/6/73  
Rules &  
Admini-  
stration

ACTION

SENATE: 9/18-21/73 - Hearings by Subcom. on  
Privileges & Elections

CAMPAIGN FINANCING - PUBLIC FINANCING -  
CONGRESSIONAL CAMPAIGNS:

- Congressional Campaign Assistance Fund created within the Treasury for the payment of campaign expenditures incurred by Congressional candidates in primary or general election campaigns

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1103 cont.	<ul style="list-style-type: none"> <li>- Candidates receiving assistance must furnish a security deposit equal to one-fifth of the amount of subsidy which they may receive (but not less than \$3,000)</li> <li>- Candidates failing to receive 5% of the votes cast in an election must repay to the fund any amounts received and candidates failing to receive 10% of the votes cast must forfeit their security deposit</li> <li>- <u>Major party</u> candidate for Senator entitled to:             <ol style="list-style-type: none"> <li>1. Primary - greater of: 10 cents per person of voting age or \$75,000</li> <li>2. General election - greater of 15 cents per person of voting age or \$150,000</li> </ol> </li> <li>- <u>Major party</u> candidate for Representative entitled to:             <ol style="list-style-type: none"> <li>1. Primary - 14 cents per person of voting age</li> <li>2. General election - 20 cents per person of voting age</li> </ol> </li> <li>- <u>Minor party</u> candidates entitled to greater of:             <ol style="list-style-type: none"> <li>1. One-fifth of amount received by major party candidate, or</li> <li>2. An amount bearing the same ratio of the amount allowed a major party candidate as the number of votes won in the last election by the minor party candidate bears to the number of votes won in that election by the major party candidate who ran for the same office and received the fewest votes</li> </ol> </li> <li>- Other candidates (i. e. those not qualifying as minor or major party candidates) entitled to greater of:             <ol style="list-style-type: none"> <li>1. one-tenth of amount received by major party candidate, or</li> <li>2. the amount representing the same ratio set forth for minor party candidates</li> </ol> </li> <li>- Candidates to return funds not needed for the payment of campaign expenses</li> <li>- Certain candidates entitled to additional amounts if in the election they receive specified percentages of the votes cast</li> <li>- Candidates who receive funds under this Act are limited in the amount of private contributions they may receive and in the amount of personal funds they may use</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1103 cont.	<ul style="list-style-type: none"> <li>- Expenditures by candidates who receive funds under this Act are limited to an amount equal to the amount of public funding to which they are entitled, plus the amount of private funding which they are entitled to accept</li> <li>- Congressional Election Finance Board established with the power to determine eligibility for payments under the Act and to prevent violations of the Act, but Board determinations are subject to judicial review</li> <li>- Violations of the Act punishable by \$5,000 to \$50,000 fine and 6 months' to 5 years' imprisonment</li> </ul>
S. 1189* Weicker 3/13/73 Rules & Administration	<p style="text-align: center;">ACTION</p> <hr/> <p>SENATE: 4/11-12/73 - Hearings by Subcom. on Privileges &amp; Elections</p> <hr/> <p>CAMPAIGN FINANCING - CONTRIBUTIONS &amp; EXPENDITURES - LIMITATIONS ON AMOUNTS AND TIME:</p> <ul style="list-style-type: none"> <li>- Contributions may not be accepted by candidates or political committees prior to the year of an election or after a date two weeks prior to the election</li> <li>- Expenditures may not be made by a candidate or political committee prior to the year of an election</li> <li>- \$5,000 limitation on contributions and expenditures from a candidate's personal or family funds</li> </ul> <p>REPORTING REQUIREMENTS:</p> <ul style="list-style-type: none"> <li>- Candidates and political committees must file two weeks prior to a primary and two weeks prior to an election a report disclosing the name, address, and social security number of each creditor or contributor of more than \$100, along with the amount of the contribution; the name and address of each person to whom an expenditure of more than \$1,000 was made; and the total sum of all contributions, expenditures, debts, and obligations</li> </ul> <p>CORRUPT PRACTICES - CAMPAIGN FINANCING - PENALTIES:</p> <ul style="list-style-type: none"> <li>- Fine equal to 3 times the amount of any monetary violation of the above provisions or for nonmonetary violations, amount assessed by the Comptroller General</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1189 cont.	<ul style="list-style-type: none"> <li>- Fine to be spent by the violator on the publication of the violation</li> <li>- Comptroller General to replace the Attorney General in his enforcement role under the Federal Election Campaign Act of 1971</li> </ul>
S. 1303* Pell 3/20/73 Rules & Admini- stration	<p style="text-align: center;">ACTION</p> <p>SENATE: 4/11-12/73 - Hearings by Subcom. on Privileges &amp; Elections</p> <p>DAY FOR HOLDING ELECTIONS - DESIGNATE:</p> <ul style="list-style-type: none"> <li>- Change to first Saturday in November</li> </ul>
S. 1355* Pell 3/22/73 Rules & Admini- stration	<p style="text-align: center;">ACTION</p> <p>SENATE: 4/11-12/73 - Hearings by Subcom. on Privileges &amp; Elections</p> <p>DAY FOR HOLDING ELECTIONS - DESIGNATE:</p> <ul style="list-style-type: none"> <li>- Change to first Sunday in November</li> </ul>
S. 1559* Nelson 4/12/73 Labor & Public Welfare	<p style="text-align: center;">ACTION</p> <p>SENATE: 7/6/73 - Reported from Com., S. Rept. 93-304</p> <p>7/24/73 - Passed Senate</p> <p>HOUSE: 7/26/73 - Referred to Education &amp; Labor Com.</p> <p>11/28/73 - Com. discharged and bill passed House amended</p> <p>11/28/73 - House asked conference</p> <p>12/5/73 - Senate agreed to House amendment with amendments and asked for conference</p> <p>12/6/73 - House agreed to conference</p> <p>12/18/73 - Conference Report filed in House, H. Rept. 93-737 and in Senate, S. Rept. 93-636</p> <p>12/20/73 - Both Houses agreed to conference Report</p> <p>12/28/73 - Public Law 93-203</p>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1559 cont.	<p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT:</p> <ul style="list-style-type: none"> <li>- State and local officers or employees engaged in programs assisted under the Comprehensive Manpower Act of 1973</li> </ul>
S. 1954* Stevenson 6/6/73 Rules & Admini- stration	ACTION
	SENATE: 9/18-21/73 - Hearings by Subcom. on Privileges & Elections
	CAMPAIGN FINANCING -
	<p>INDEPENDENT COMMISSION TO SUPERVISE &amp; ENFORCE ELECTIONS LAWS:</p> <ul style="list-style-type: none"> <li>- Federal Election Commission established with power to initiate and prosecute civil or criminal actions to enforce the provisions of the Federal Election Campaign Act of 1971</li> <li>PUBLIC FINANCING - FEDERAL OFFICE CAMPAIGNS: <ul style="list-style-type: none"> <li>- Federal Election Campaign fund established in the Treasury for the payment of campaign expenses incurred by Federal office candidates in primary or general election campaigns, with amounts in the Fund being disbursed by the Commission</li> <li>- Candidates receiving assistance must furnish a security deposit equal to one-fifth the amount which they may receive (but not less than \$3,000)</li> <li>- Major party candidate for President entitled to: <ol style="list-style-type: none"> <li>1. Primary - One-third of the greater of: 15 cents per person of voting age in a State; or \$175,000 in that State</li> <li>2. General - One-third of 15 cents per person of voting age in United States</li> </ol> </li> <li>- Major party candidate for Senator entitled to: <ol style="list-style-type: none"> <li>1. Primary - <ol style="list-style-type: none"> <li>a. First Primary - One-third of greater of: 20 cents per person of voting age in State; or \$175,000</li> <li>b. Runoff Primary - One-half of amount for first primary</li> </ol> </li> <li>2. General - Same as first primary</li> </ol> </li> <li>- Minor party candidates entitled to; greater of; <ol style="list-style-type: none"> <li>1. An amount bearing the same ratio to the amount allowed a major party candidate as</li> </ol> </li> </ul> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1954 cont.	<p>the number of votes won in the last election by the minor party candidate bears to the average number of votes won by the major party candidates for the same office in the last election; or</p> <p>2. 20% of the amount allowed a major party candidate</p> <ul style="list-style-type: none"> <li>- Certain candidates entitled to additional amounts if in the election they receive specified percentages of the votes cast</li> <li>- Candidates must return portion of public funding which they do not expend after the payment of their campaign expenditures has been equally apportioned between the public funding they received and the private contributions they received</li> </ul> <p>CONTRIBUTIONS &amp; EXPENDITURES -</p> <p>LIMITATION ON AMOUNTS OF CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- \$3,000 individual contribution to Federal office candidate for both primary and general election campaigns</li> <li>- \$3,000 individual contribution to official campaign committee (and such contribution may not be earmarked)</li> </ul> <p>LIMITATION ON AMOUNTS OF EXPENDITURES:</p> <ul style="list-style-type: none"> <li>- President -             <ol style="list-style-type: none"> <li>1. Primary - Greater of 15 cents per person of voting age in a State or \$175,000 in that State</li> <li>2. General - 15 cents per person of voting age in United States</li> </ol> </li> <li>- Senator -             <ol style="list-style-type: none"> <li>1. Primary -                 <ol style="list-style-type: none"> <li>a. First Primary - Greater of: 20 cents per person of voting age in State or \$175,000</li> <li>b. Runoff Primary - One-half of amount for first primary</li> </ol> </li> </ol> </li> <li>- Representative -             <ol style="list-style-type: none"> <li>1. Primary -                 <ol style="list-style-type: none"> <li>a. First Primary - Greater of: 25 cents per person of voting age in district or \$90,000</li> <li>b. Runoff Primary - One-half of amount of first primary</li> </ol> </li> <li>2. General - Same as first primary</li> </ol> </li> </ul> <p>REPORTING REQUIREMENTS:</p> <ul style="list-style-type: none"> <li>- Contributions - if over \$10, must have name and address of contributor; if over \$100, must also have social security number, occupation, and principal place of business; and records must be kept of all contributions</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 1954 cont.	<ul style="list-style-type: none"> <li>- Expenditures - name, address, occupation, and principal place of business of every person to whom expenditure is made</li> </ul> <p>CASH CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Prohibited if over \$25</li> </ul> <p>CAMPAIGN COMMITTEES AND DEPOSITORIES:</p> <ul style="list-style-type: none"> <li>- Each candidate must designate a central campaign committee to receive reports made by other political committees and a central campaign depository, along with a secondary depository, for receipt of contributions and making of expenditures</li> </ul>
S. 2102* Mathias 6/28/73 Rules & Admini- stration	<p>ACTION</p> <p>SENATE: 9/26-27/73 - Hearings by Subcom. on Privileges &amp; Elections</p> <p>6/28/74 - Reported from Com., S. Rept. 93-1016</p> <p>7/18/74 - Passed Senate</p> <p><u>ABSENTEE BALLOTS OVERSEAS CITIZENS:</u></p> <ul style="list-style-type: none"> <li>- Citizen residing overseas not to be denied the right to vote by absentee ballot in Federal elections in any State if he was domiciled in that state prior to his departure and if he is otherwise qualified to vote by absentee ballot</li> <li>- Each State and election district directed to provide appropriate procedures for voting by absentee ballot and registration of overseas citizens who apply not later than 30 days before an election</li> <li>- Post card registration permitted for overseas citizens</li> <li>- Criminal penalties provided for violation of this Act</li> </ul>
S. 2384* Pell 9/6/73 Rules & Admini- stration	<p>ACTION</p> <p>SENATE: 9/26-27/73 - Hearings by Subcom. on Privileges &amp; Elections</p> <p><u>ABSENTEE BALLOTS - OVERSEAS CITIZENS:</u></p> <ul style="list-style-type: none"> <li>- Citizen outside the U. S. not to be denied the right to vote by absentee ballot in Federal Elections in</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 2384 cont.	<p>any State if he was domiciled in that State prior to his departure and if he is otherwise qualified to vote by absentee ballot</p> <ul style="list-style-type: none"> <li>- Each State and election district to provide appropriate procedures for the registration and voting by absentee ballot by overseas citizens</li> <li>- Post card registration permitted for overseas citizens</li> <li>- Criminal penalties provided for the violation of this Act</li> </ul>
S. 2417* Cranston 9/13/73 Finance jointly with Rules & Admini- stration	<p style="text-align: center;">ACTION</p> <p>SENATE: 9/18-21/73 - Hearings by Subcom. on Privileges &amp; Elections</p> <p><u>CAMPAIGN FINANCING -</u></p> <p style="padding-left: 40px;">INDEPENDENT COMMISSION TO SUPERVISE &amp; ENFORCE ELECTIONS LAWS:</p> <ul style="list-style-type: none"> <li>- Federal Election Commission established with the power to initiate and prosecute civil or criminal actions to enforce the provisions of this Act and laws relating to disclosure of campaign funds</li> </ul> <p><u>PUBLIC FINANCING -</u></p> <p style="padding-left: 40px;">FEDERAL OFFICE CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Federal Election Campaign Fund established in the Treasury for the payment of campaign expenses incurred by Federal office candidates in primary or general election campaigns</li> <li>- Commission must certify all payments to candidates and its decisions are subject to judicial review</li> <li>- To be eligible to receive assistance, candidate must have his own campaign fund containing the following amounts: <ol style="list-style-type: none"> <li>1. \$2,500 - Representatives</li> <li>2. \$5,000 - Senators</li> <li>3. \$50,000 - President or Vice President</li> </ol> </li> <li>- Candidates in primary elections entitled to matching payments from the Fund equal to four times each private contribution from a different person of \$100 or less</li> <li>- <u>Major party candidate for Senator or President in a general election is entitled to greater of:</u> <ol style="list-style-type: none"> <li>1. 80% of 20 cents per person of voting age in each State where the election is held; or</li> <li>2. 80% of \$250,000</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 2417 cont.	<ul style="list-style-type: none"> <li>- Major party candidate for Representative entitled to 80% of \$150,000 (\$200,000 if only one Representative from State)</li> <li>- Minor party, new party, and independent candidates entitled to 25% of the above amounts which are used as the basis for calculating major party candidates' entitlement</li> <li>- Minor party, new party and independent candidates entitled to additional amounts if they receive certain percentages of the votes cast</li> </ul> <p style="margin-left: 40px;">TAX CHECKOFF:</p> <ul style="list-style-type: none"> <li>- Increased from \$1 to \$2</li> <li>- Amount will be automatically placed in the Federal Election Campaign Fund unless the taxpayer specifies that the amount not be placed in the Fund</li> </ul> <p style="margin-left: 40px;">CONTRIBUTIONS &amp; EXPENDITURES - LIMITATION ON AMOUNTS OF CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Primary election campaign:             <ol style="list-style-type: none"> <li>1. \$250 individual contribution to any candidate</li> <li>2. Contributions which do not qualify for matching payments:                 <ol style="list-style-type: none"> <li>a. \$100,000 - President or Vice President</li> <li>b. \$10,000 - Senator</li> <li>c. \$5,000 - Representative</li> </ol> </li> </ol> </li> <li>- General election campaign             <ol style="list-style-type: none"> <li>1. 20% of expenditure limitation for major party Federal office candidates in a general election</li> <li>2. 75% of expenditure limitation for minor party, new party or independent Federal office candidates in a general election</li> </ol> </li> <li>- Contributions from personal or family funds limited to \$250</li> </ul> <p style="margin-left: 40px;">LIMITATION ON AMOUNTS OF EXPENDITURES:</p> <ul style="list-style-type: none"> <li>- Primary election campaign:             <ol style="list-style-type: none"> <li>1. Major party                 <ol style="list-style-type: none"> <li>a. President or Senator - greater of: 15 cents per person of voting age in area where election is held or \$250,000</li> <li>b. Representative - \$150,000 (\$200,000 if only one Representative for State)</li> </ol> </li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 2417 cont.	<p>2. Minor party, new party or independent candidate: Minimum required campaign fund plus 15 cents multiplied by the greatest of: a) number of party members registered to vote; b) number of votes received by certain minor party candidate in last election; or c) number of voters who signed petition supporting candidate</p> <p>- Federal office candidates required to furnish, whenever the Commission directs, a statement of the qualified campaign expenses incurred prior to that date and a statement of the qualified campaign expenses which he proposes to incur in the future</p>
S. 2611* Bayh 10/26/73 Judiciary	<p style="text-align: center;">ACTION</p> <hr/> <p>SENATE: 10/19-31; 11/1, 5-8 14, 15, 20/73      - Hearings by Com. 12/3/73      - Reported from Com., S. Rept. 93-595</p> <hr/> <p>CORRUPT PRACTICES &amp; ELECTION OFFENSES - ENFORCEMENT: - Directs Chief Judge of the U. S. District Court for D. C. to appoint a Special Prosecutor to prosecute various offenses arising out of the 1972 Presidential election and offenses alleged to have been committed by the President</p>
S. 2642* Taft 11/2/73 Judiciary	<p style="text-align: center;">ACTION</p> <hr/> <p>SENATE: 10/29-31; 11/1, 5-8, 14, 15, 20/73      - Hearings by Com. 12/3/73      - Reported from Com. S. Rept. 93-596</p> <hr/> <p>CORRUPT PRACTICES &amp; ELECTION OFFENSES - ENFORCEMENT: - Establishes an Independent Prosecution Office responsible for investigating and initiating prosecution of offenses arising out of the 1972 Presidential election</p>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 2642 cont.	<p>NOTE: Not all Senate bills dealing with the prosecution of offenses arising out of the 1972 Presidential Election will appear in the Survey. Only those bills which have had action will appear.</p>
S. 2943 Clark 2/4/74 Rules & Admini- stration Jointly w/ Finance	<p>CAMPAIGN FINANCING - INDEPENDENT COMMISSION TO SUPERVISE &amp; ENFORCE ELECTIONS LAWS:</p> <ul style="list-style-type: none"> <li>- Federal Election Commission established with power to initiate and prosecute civil or criminal actions to enforce provisions relating to public financing and certain criminal offenses</li> <li>- Agency action by Commission subject to judicial review by U.S. Court of Appeals for the District of Columbia Circuit upon petition by an interested person</li> </ul> <p>PUBLIC FINANCING - FEDERAL OFFICE CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Federal Election Campaign Fund established in the Treasury for the payment of campaign expenses incurred by primary and general election Federal office candidates and by political parties in voter registration drives, get-out-the-vote drives and nominating conventions</li> <li>- Candidates seeking nomination of a major political party and candidates nominated by a major political party entitled to payment of campaign expenditures which do not exceed expenditure limitations set forth below</li> <li>- Minor party and independent candidates entitled to payment of general election campaign expenditures which do not exceed an amount bearing the same ratio to the amount allowed a major party candidate as the number of votes won by the minor party candidate bears to the average number of votes won by the major party candidates for the same office in the last election or in the current election</li> </ul> <p>TAX CREDIT &amp; CHECKOFF:</p> <ul style="list-style-type: none"> <li>- Tax credit increased from \$12.50 to \$100 per year</li> <li>- Tax check-off increased from \$1 to \$2 per year</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 2943 cont.	<p>CONTRIBUTIONS &amp; EXPENDITURES LIMITATION ON AMOUNTS OF EXPENDITURES:</p> <ul style="list-style-type: none"> <li>- Primaries:             <ol style="list-style-type: none"> <li>1. Senator - 15 cents per voting age person in area where election is held or \$175,000 whichever is greater</li> <li>2. Representative - 25 cents per person of voting age in area where election is held</li> <li>3. President - Amount which Senator can spend on primary or general election campaign in that State</li> </ol> </li> <li>- General Election:             <ol style="list-style-type: none"> <li>1. Senator - 20 cents per voting age person in area where election is held or \$250,000 whichever is greater</li> <li>2. Representative - 30 cents per person of voting age in area where election is held</li> <li>3. President - 20 cents per person of voting age in U.S.</li> </ol> </li> <li>- Runoff - 50% of limitations set forth above</li> <li>- Major party candidates in petition drives             <ol style="list-style-type: none"> <li>1. Representative - 2 cents per person of voting age in area where election is held</li> <li>2. Senator or President - 1 cent per person of voting age in area where election is held, or \$7,500, whichever is greater</li> </ol> </li> </ul> <p>LIMITATION ON AMOUNTS OF CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Major parties and their candidates - No private contributions allowed</li> <li>- Minor party - Private contributions can not exceed amount to which major party entitled</li> <li>- Minor party and independent candidate - Private contributions can not exceed amount which candidate can spend</li> <li>- \$100 - Individual contribution to a party or candidate in general election, primary election or petition drive             <ul style="list-style-type: none"> <li>and - Aggregate contributions by an individual parties and candidates during one year</li> <li>Candidate's family or personal funds for and general election campaign and petition</li> </ul> </li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 2943 cont.	<p>FRANKING PRIVILEGE:</p> <ul style="list-style-type: none"> <li>- Congressman prohibited from making mass mailings of newsletters or with a simplified form of address under the frank during the 60 days immediately preceding an election in which he is a candidate</li> </ul> <p>BROADCASTING - POLITICAL;</p> <ul style="list-style-type: none"> <li>- Equal time requirements would be repealed with regard to Federal office candidate</li> </ul>
S. 3037 Stevenson 2/21/74 Rules & Admini- stration	<p>CANDIDATES - FINANCIAL DISCLOSURE - FEDERAL:</p> <ul style="list-style-type: none"> <li>- Requires Federal primary and general election candidates to file with the Comptroller General a financial disclosure report for the calendar year immediately preceding the year of candidacy</li> <li>- Report must include: <ol style="list-style-type: none"> <li>1. the amount and source of each item of income or gift over \$100 received by candidate, his spouse or children;</li> <li>2. identity of each asset and the amount of each liability over \$1,000 held or owed by candidate or by him and his spouse jointly;</li> <li>3. all dealings, involving over \$1,000, in securities and commodities by candidate, by him and his spouse jointly or by a person acting on his behalf;</li> <li>4. all purchases or sales of any interest in real property by candidate, by him and his spouse jointly or by a person acting on his behalf;</li> <li>5. the amount of each tax paid by the candidate</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>S. 3044* Cannon 2/21/74 Rules &amp; Admini- stration</p> <p>Pub. L. 93-443</p>	<p style="text-align: center;"><u>ACTION</u></p> <p>SENATE: 9/18-32/73 - Hearings were held on public financing generally (See S. 1103, 1954, 2417) by the Privileges &amp; Elec- tions Subcom.</p> <p>2/21/74 - Reported from Com., S. Rept. 93-689</p> <p>3/28-29 &amp; 4/1-11/74 - Debated in Senate 4/11/74 - Passed Senate</p> <hr/> <p>HOUSE: 8/8/74 - Text of S. 3044 as it passed the Senate was stricken and text of H. R. 16090 was in- serted in lieu thereof, S. 3044 then passed House as amended</p> <hr/> <p>CONFERENCE:</p> <p>10/7/74 - Conference Report filed in House, H. Rept. 93-1438</p> <p>10/7/74 - Conference Report filed in Senate, S. Rept. 93-1237</p> <p>10/8/74 - Senate agreed to Conference Report</p> <p>10/10/74 - House agreed to Conference Report</p> <hr/> <p>PUBLIC LAW 93-443</p> <p>10/15/74 - Approved</p>

CONTRIBUTION LIMITATIONS

1. \$1,000 - Contribution by a person, including an individual, organization, and certain political committees, to a candidate with respect to any federal election
2. \$5,000 - Contributions by a political committee, other than a candidate's principal campaign committee, if the political committee has:
  - a. been registered for 6 months or more
  - b. received contributions from 50 or more persons
  - c. contributed to 5 or more federal office candidates, except for a State party organization

Note: National and State political party committees may make expenditures in connection with the general election campaigns of federal office candidates - see Expenditure Limitations

3. \$25,000 - Aggregate contributions by an individual during one calendar year or toward one election. Any contribution made with respect to an election other than the calendar year of the election is considered made during the calendar year of the election designated
4. Candidate's principal campaign committee is not subject to any of the contribution limitations with respect to that candidate
5. Contribution limitations apply separately to each election, except that all elections relating to the nomination of a Presidential candidate count as one election
6. Contributions to a candidate through a political committee with written authorization to accept contributions on candidate's behalf are considered contributions to the candidate
7. Contributions to a Vice Presidential candidate of a political party considered contributions to that party's Presidential candidate

### EARMARKED CONTRIBUTIONS

1. Earmarked contributions by a person to a candidate are treated as contributions to the designated candidate from the original source for purposes of contribution limitations
2. The original source and the recipient of an earmarked contribution must be reported in the intermediary's campaign disclosure reports and must be reported to the recipient

### FOREIGN NATIONAL CONTRIBUTIONS

Contributions from foreign national to federal office candidates are prohibited

### CONTRIBUTIONS IN THE NAME OF ANOTHER

Making contributions in the name of another, permitting one's name to be used for such a contribution and accepting such a contribution is prohibited

### CASH CONTRIBUTIONS

Cash contributions in domestic or foreign currency are prohibited if over \$100 in connection with a federal office election campaign

### GOVERNMENT CONTRACTOR CONTRIBUTIONS

Corporations and labor organizations having contracts with the United States government are permitted to maintain separate, segregated funds for the purpose of making political contributions or expenditures so long as such funds are established in accordance with 18 U. S. C. Section 610

### USE OF CONTRIBUTIONS

Amounts received by a candidate in excess of amounts necessary to defray campaign expenditures and any amounts contributed to an individual to support his activities as a Federal officeholder may be used to defray ordinary expenses incurred in connection with his duties as a federal officeholder, may be contributed to a charitable organization, or may be used for any lawful purpose. Such expenditures, contributions, etc. must be recorded.

## SOLICITATION OF CONTRIBUTIONS THROUGH THE FRANK

Members of Congress are prohibited from using mailings under the frank to make solicitations of funds

## EXPENDITURE LIMITATIONS

### 1. PRESIDENTIAL CANDIDATES

#### A. Nomination:

1. Nationwide - \$10 million
2. Per State - In any one State, limited to twice the amount which a Senatorial candidate may spend on his nomination in that State

#### B. Election: \$20 million

### 2. SENATORIAL CANDIDATES

#### A. Nomination: Greater of -

1. 8 cents per voting age person in State; or
2. \$100,000

#### B. Election: Greater of -

1. 12 cents per voting age person in State; or
2. \$150,000

### 3. HOUSE CANDIDATES

#### A. \$70,000 - For campaign for nomination or campaign for election, if from a State entitled to more than one Representative

#### B. Senatorial candidate limits apply, if from a State entitled to only one Representative

### 4. INDEPENDENT EXPENDITURES

#### A. \$1,000 - Expenditure by a person (other than an expenditure made on behalf of a candidate) relative to a clearly identified candidate during one year

#### B. Corporate or labor organization expenditures which do not constitute expenditures under Section 610, Title 18 are not subject to this limitation

## 5. POLITICAL PARTY COMMITTEES

- A. National committee of a political party in connection with the general election campaign of the party's candidate for President may expend up to 2 cents per person of voting age in the United States, in addition to any amounts which the committee may expend as a Presidential candidate's principal campaign committee
- B. National committee and State committees of a political party in connection with the party's congressional candidates in a State may expend up to:
  1. 2 cents per person of voting age in the State or \$20,000, whichever is greater in the general election campaign of a Senator or Representative, if the State is entitled to only one Representative
  2. \$10,000 in the general election campaign of a Representative from a State entitled to more than one Representative
6. POLITICAL BROADCASTING - Pre-existing media expenditure limitations are repealed
7. Expenditure limitations apply separately to each election
8. Expenditure on behalf of a candidate by an authorized committee, by an agent of the candidate, or by any person authorized or requested by the candidate to make an expenditure is treated as an expenditure by the candidate for purposes of expenditure limitations
9. Expenditures by a Vice Presidential candidate of a political party are considered expenditures by that party's Presidential candidate
10. Expenditure limitation amounts will be increased annually as the Consumer Price Index increases

## PERSONAL AND FAMILY CONTRIBUTIONS AND EXPENDITURES

1. Expenditures from candidate's personal funds and from the personal funds of his immediate family in connection with his nomination for election and his general election campaigns may not in the aggregate exceed:
  - a. \$50,000 - Presidential or Vice Presidential candidate

- b. \$35,000 - Candidate for Senator or Representative from a State entitled to only one Representative
  - c. \$25,000 - Candidate for Representative from a State entitled to more than one Representative
2. Loans or advances from a candidate's personal or family funds must be evidenced by a written instrument fully disclosing the terms and conditions and the unpaid balance of such loan or advance will be included in computing expenditures from personal or family funds

#### HONORARIUMS TO FEDERAL OFFICE HOLDERS AND EMPLOYEES

Elected or appointed officers of the Federal government are prohibited from accepting any honorarium of more than \$1,000 for any appearance, speech or articles or honorariums aggregating more than \$15,000 during one year

#### MISREPRESENTATION OF CAMPAIGN AUTHORITY

Federal office candidates, their employees or agents are prohibited from fraudulently misrepresenting themselves as acting on behalf of any other candidate, committee or political party in a matter which is damaging to such other candidate or party

#### CRIMINAL PENALTIES

The following criminal penalties were either added to or amended the pre-existing criminal provisions in Title 18, Chapter 29; United States Code:

<u>VIOLATION</u>	<u>PENALTY</u>
1. Contribution Limitations	Fine: \$25,000; Prison: 1 year
2. Expenditure Limitations	Fine: \$25,000; Prison: 1 year
3. Corporate & Labor Union Contributions	Fine: \$25,000 for corporation or union Fine: \$50,000; Prison: 2 years for willful violation by officer
4. Government Contractor Contributions	Fine: \$25,000; Prison: 5 years

<u>VIOLATION</u>	<u>PENALTY</u>
5. Foreign National Contributions	Fine: \$25,000; Prison: 5 year
6. Contribution in Name of Another	Fine: \$25,000; Prison: 1 year
7. Cash Contributions	Fine: \$25,000; Prison: 1 year
8. Excessive Honorariums	Fine: \$1,000 to \$5,000
9. Fraudulent Misrepresentation of Campaign Authority	Fine: \$25,000; Prison: 1 year

#### STATUTE OF LIMITATIONS

Three year statute of limitations is placed upon criminal prosecutions of violations of campaign disclosure requirements or of criminal provisions in Title 18, United States Code, Sections 608, 610, 611, 613 through 617.

#### CIVIL PENALTIES

1. Injunctions - Federal Election Commission and the Attorney General authorized to seek injunctive relief for the purpose of enforcing provisions of this Act.
2. Disqualification from Candidacy for Violation of Reporting Requirements - Failure to file a campaign disclosure report, where prosecution of such failure is not barred by the statute of limitations, will result in barring the candidate involved from being a candidate in a future election for federal office for one year after the expiration of the term of office for which he was running

#### REPORTING REQUIREMENTS

1. Identification of Contributions - Record must be kept of the name and address of contributors giving between \$10 and \$100; and for contributors giving more than \$100, the occupation and principal place of ; must also be recorded

the date on which reports must be filed. Candidates required to file quarterly reports in a quarter when more contributions are received or more than \$1,000 in expenditure. Yearly reports must be filed.



3. Late Contributions - Contributions of \$1,000 or more received after the fifteenth day, but more than 48 hours, before an election must be reported within 48 hours of receipt
4. Extinguished Debts - Circumstances and conditions under which a debt was extinguished, including any consideration given, must be reported
5. Independent Expenditures - Person, other than a political committee or candidate, making contributions or expenditures of more than \$100 per year, other than to a candidate or political committee, must file disclosure reports
6. Waiver of Reporting Requirements - Permits reporting requirements to be waived by the Federal Election Commission with reference to a category of candidates, if waiver is consistent with the Act, or with reference to a category of political committees if they primarily support State and local candidates in one State
7. Groups Influencing Elections - Any person, other than an individual or political committee, including an association, organization, etc., which expends money to influence the outcome of an election must file reports showing the source and disposition of funds (U.S. Government publications and broadcasts, as well as bona fide news stories and editorials are exempt)
8. Disqualification from Candidacy for Criminal Violation of Reporting Requirements - Where Commission makes a finding that a candidate failed to file a campaign disclosure report, and criminal prosecution for such failure (under 2 U.S.C. Sec. 441) is not barred by the statute of limitations, such person is disqualified from becoming a candidate in a future election for federal office for one year after expiration of the term of office for which the candidate was running

#### POLITICAL COMMITTEES

1. Principal Campaign Committees - Federal office candidates required to designate one political committee as a principal campaign committee, but Presidential candidate may designate the national committee of his party as his principal campaign committee
2. Campaign Disclosure Reports - Political committee reports on contributions and expenditures must be filed with the principal campaign committee of the candidate on whose behalf such contributions were accepted or such expenditures made

3. Income Tax Returns - Political committees having no gross income for the taxable year will be exempt from the requirements of filing tax returns

#### CAMPAIGN DEPOSITORIES

1. Candidates and Principal Campaign Committees - Each federal office candidate must designate one or more banks as campaign depositories, where the candidate's principal campaign committee and any other committee authorized to accept contributions and make expenditures on behalf of the candidate, will maintain an account into which all contributions and all public financing payments will be deposited and from which all expenditures will be made
2. Political Committees - Treasurers of political committees other than those authorized to receive contributions and make expenditures on behalf of a candidate must designate one or more banks as depositories into which all contributions must be deposited and from which all expenditures must be made
3. Petty Cash Fund - Political committees may maintain a petty cash fund from which it may make expenditures not exceeding \$100 per transaction, but a record must be kept of petty cash expenditures
4. Presidential Candidates - Presidential candidates may establish a campaign depository in each State for contributions and expenditures in that State

#### CAMPAIGN ADVERTISING

1. Charge for Space: Newspaper or magazine selling space to a candidate for campaign use may not charge an amount exceeding the amount charged for such space for other purposes
2. Identification: Political committees must include on the front page of all literature and advertisements soliciting political contributions a notification that the committee's campaign disclosure report has been filed and is available from the Federal Election Commission

FEDERAL ELECTION COMMISSION - INDEPENDENT COMMISSION  
TO SUPERVISE AND ENFORCE ELECTIONS

COMPOSITION

1. Appointment of Members -

- a. Secretary of the Senate, without the right to vote
  - b. Clerk of the House, without the right to vote
  - c. Two members appointed by President pro tempore of Senate, upon recommendation of majority and minority leaders, with the confirmation by a majority of both Houses of Congress
  - d. Two members appointed by Speaker of the House, upon recommendation of majority and minority leaders, with the confirmation by a majority of both Houses of Congress
  - e. Two members appointed by the President with the confirmation by a majority of both Houses of Congress
2. Political Affiliation - Two members appointed by the President, the Speaker of the House, and the President pro tempore of the Senate, respectively, may not be from the same political party
3. Terms - Members serve 6 year terms, except that those first appointed serve terms of staggered length
4. Qualifications - Members to be chosen on the basis of experience, integrity, and impartiality and may not at the time of their appointment be elected or appointed officers or employees of the federal government

DUTIES AND POWERS

1. Reporting Requirements - Reports by candidates, political committees, and other persons required to make campaign contribution and expenditures disclosures under this Act are to be filed with the Commission
2. Public Financing - Commission to certify candidates eligible for public financing, to audit expenditures, etc.

2. Investigation and Enforcement -

- a. Policy- Commission to formulate policy with respect to federal criminal provisions relating to political activities
- b. Investigation and Compliance - Upon receipt of a complaint, of an apparent violation, the Commission may either refer the matter to the Attorney General or institute an investigation. If the Commission investigates and finds reason to believe that there has been or will be a violation of the Act, it may endeavor to seek compliance through informal means. If this fails, the Commission may seek to enforce the law through civil or criminal proceedings.
- c. Enforcement -

- 1. Civil Action: The Commission has primary jurisdiction with respect to civil enforcement of the provisions of this Act and federal criminal provisions in 18 U.S.C. Secs. 608, 610, 611, 613 through 617. The Commission also has general power to initiate, defend or appeal thorough civil proceedings for injunctive, declaratory or other relief any civil action in the name of the Commission for the purpose of enforcing the Act. The Commission is to institute its civil actions in the appropriate United States District Court. However, instead of the Commission instituting civil actions upon request of the Commission the Attorney General shall institute a civil action for relief in the appropriate United States District Court. A permanent or temporary injunction will be issued in these matters upon a showing that a person has engaged in or is about to engage in acts which violate this Act.
  - 2. Criminal Action: Apparent violations of criminal provisions are to be referred to appropriate law enforcement authorities
  - 3. Attorney General Report: Where the Commission refers an apparent federal criminal violation to the Attorney General, he must report back on any action taken within 60 days of the referral
3. Advisory Opinions - Upon written request of a federal candidate, officeholder or political committee, the Commission will issue an advisory opinion on whether a specific transaction or activity would constitute a violation of this Act or federal criminal laws. Any person who, receiving an advisory opinion and acting in good faith, relies on such an advisory opinion, shall be deemed in compliance with the law.

## JUDICIAL REVIEW OF CONSTITUTIONAL QUESTIONS

1. Standing to Review Constitutional Questions - The Commission, the national committee of any political party, or any individual eligible to vote in Presidential elections may institute actions in the appropriate United States District Court to construe the constitutionality of this Act or of criminal provisions relating to political activities
2. Certification for Supreme Court Review - Questions of constitutionality are to be certified by the District Court to the United States Court of Appeals. Any decision on a matter which is certified shall be reviewable by direct appeal to the United States Supreme Court.

## PUBLIC FINANCING OF PRESIDENTIAL CAMPAIGNS

1. PRESIDENTIAL NOMINATING CONVENTIONS - Grants, payments from the U.S. Treasury to the national committee of each major and minor party to be used to defray expenses incurred by the national committee with respect to a presidential nominating convention. Major party national committees would be entitled to receive up to \$2 million, while minor party national committees would receive a smaller amount based on the number of votes received by the party candidate in the last general election. Committee expenditures would be limited to the amount of the committee's public fund entitlement.
2. PRESIDENTIAL PRIMARIES:
  - a. Presidential Primary Matching Payment Account - Establishes a Presidential Primary Matching Payment Account in the Treasury.
  - b. Eligibility - In order to be eligible to receive public funding, a candidate has to make certain agreements relating to record keeping, auditing, contribution and expenditure limitations, etc., and candidate is required to certify that he has received minimum contributions of \$5,000 from residents of at least 20 States, with no portion of a contribution in excess of \$250 from one person counted.
  - c. Entitlement - Candidate entitled to matching payments from the Fund in an amount equal to the first of \$250 received from each contributor during the year of the Presidential election and the preceding year. The Comptroller General would certify payments from the Fund.

## STATE AND LOCAL EMPLOYEES

Hatch Act provisions dealing with State and local government employees whose principal employment is in connection with a federally funded activity are amended by removing the prohibition against taking an active part in political management or campaigns and replacing that prohibition with a prohibition against being a candidate for elective office in a partisan election. This provision does not preempt State laws on political activities of State employees.

## PREEMPTION OF STATE LAWS

The provisions of this Act, including the criminal provisions, preempt and supersede all provisions of State law with respect to federal office elections.

## EFFECTIVE DATES

JANUARY 1, 1975

Provisions of this Act, including those relating to criminal violations, reporting requirements, become effective on January 1, 1975, except for certain tax provisions and the preemption of State law provisions.

## OCTOBER 15, 1974, DATE OF ENACTMENT

Provisions preempting and superseding State laws become effective upon enactment of this law.

Campaign Financing - Public Financing - Federal Office Campaigns:

Federal Election Campaign Fund - Would be established in the Treasury for the financing of primary and general election campaigns of Federal office candidates. Checkoff amounts designated by taxpayers would be placed in Fund.

Government financing of campaigns would be optional: the candidate could finance his campaign entirely with government funds, entirely with private funds or with any combination of both.

Eligibility for Public Financing - Provides that candidate must make certain agreements relating to record keeping, auditing, contribution and expenditure limitations, etc.; and candidate must certify that he has received minimum contributions as follows:

1. Primary election -
  - a. Representative - \$10,000
  - b. Senator - \$125,000 or 20% of expenditure limitation, whichever is lesser
  - c. President - \$250,000, with at least \$5,000 received from legal residents of at least 20 States
2. Primary runoff - No minimum contributions required
3. General election -
  - a. Nominee of major or minor party - No minimum contributions required
  - b. Other candidates - Minimum contributions required of primary election candidates
4. In determining whether a candidate has met the minimum contribution requirement, the following contributions will not be counted:
  - a. Subscription, loan, advance, deposit, or contribution of products or services
  - b. Presidential candidate - Amount of contribution exceeding \$250 from one individual in connection with his primary campaign
  - c. Congressional candidate - Amount of contribution exceeding \$100 from one individual in connection with his primary campaign

Entitlement to Public Financing

Primary Election:

Provides that candidate entitled to matching payments equal to contributions received for his primary campaign, except that no matching payments available for contributions which are not counted for purposes of the minimum contributions requirement

General Election:

1. Major Party Candidate - Entitled to payments equal to amount of expenditures he is permitted to make under his expenditure limitation
2. Minor Party Candidate - Entitled to payments equal to the greater of:

(a) An amount bearing the same ratio to the amount allowed a major party candidate as the number of votes won in the last election by the candidate of that minor party bears to the average number of votes won by the major party candidates for the same office in the last election; or

(b) An amount bearing the same ratio to the amount allowed a major party candidate as the number of votes won by the candidate himself, as other than a major party candidate, for that office in the last election bears to the average number of votes won by the major candidates for the same office in last election

3. Other Candidates - Candidate who is not a party nominee is entitled to payments if in the preceding election held for the office he seeks, he received 5% or more of the votes cast for candidates of that office; and he is entitled to payments in an amount bearing the same ratio to the amount allowed a major party candidate as the number of votes won in the last election by that candidate bears to the average number of votes won by the major party candidates for the same office in the last election
4. Certain candidates who are not party nominees and who win 5% or more of the votes cast in the current election are entitled to additional payments after the election

Independent Commission to Supervise and Enforce Elections:

Federal Election Commission

Provides that commission is to be composed of Comptroller General, as a non-voting member, and seven other members chosen from different parties and appointed by the President with the advice and consent of the Senate. Commission is to be empowered to initiate and prosecute civil or criminal actions to enforce provisions of this Act, as well as Sections 602, 608, and 610 through 618 of Title 18. It is to be the primary enforcement agency for violations of such provisions and the Department of Justice is barred from prosecuting violations without Commission's consent. Any person who



violates these provisions is subject to a civil penalty, which is to be assessed by the Commission, but which may not exceed \$10,000 for each violation. The Commission is to certify to the Secretary of the Treasury all public financing payments made to candidates. Any agency action by the Commission is subject to judicial review by the U.S. Court of Appeals for the District of Columbia Circuit upon petition filed by any interested person.

#### Review of Constitutional Questions:

Provides that the Commission, the national committee of any political party, and individuals eligible to vote for President are authorized to constitute suits to implement or construe provisions of this Act or of chapter 29 of title 18 in such suits, the U.S. District Court would immediately certify constitutional questions to the court of appeals and decisions on the certified questions shall be reviewable by appeal directly to the U.S. Supreme Court. The courts involved will have a duty to advance such cases on the docket and expedite their disposition.

#### Contributions and Expenditures

##### Expenditures Limitations:

##### A. Primary Elections:

##### 1. Congressional candidates - greater of:

- a. 8 cents per person of voting age in geographical area where election is held; or
- b. 1) Representative - \$90,000  
2) Senator and - \$125,000  
Representative from State having only one Representative

##### 2. Presidential candidates - lesser of:

- a. In each State, two times the amount which Senatorial candidate can spend; or
- b. Throughout the United States, 10 cents per person of voting age

##### B. General Elections - greater of:

- 1. 12 cents per person of voting age in geographical area where election is held; or
- 2. a) Representative - \$90,000  
b) Senator and - \$175,000  
Representative from State having only one Representative

##### C. Unopposed Candidates in Primary or General Elections - 10% of limitation which would apply if the candidate had an opponent

- D. National Committee of a Political Party in General Elections - 2 cents per person of voting age in the United States during one year for all candidates, but such amount is not considered an expenditure made on behalf of a candidate for expenditure limitation purposes
- E. State Committee of a Political Party in General Elections - 2 cents per person of voting age in the State during one year for all candidates, but such amount is not considered an expenditure made on behalf of a candidate for expenditure limitation purposes
- F. Expenditures Advocating Election or Defeat of Clearly Identified Candidate - No person may make expenditures exceeding \$1,000 per year for such purpose
- G. Expenditures from Personal or Family Funds -
1. \$50,000 - President or Vice President
  2. \$35,000 - Senator
  3. \$25,000 - Representative

**Presidential Campaign Expenditures:**

Would require that any expenditure of \$1,000 or more made by a Presidential or Vice Presidential nominee of a political party be specifically approved by the treasurer or chairman of the national committee of the political party.

**Contribution Limitations:**

1. \$3,000 - Individual contribution to Federal office candidate's campaign
2. \$6,000 - Contribution from person, including a couple or organization, association, etc. to Federal office candidate's campaign
3. \$25,000 - Individual aggregate contribution to all Federal office candidates in one year

**Earmarked Contributions:**

Would be considered contributions to the candidate whom they actually benefit; and Commission may require disclosure of information regarding nature, amount, and source of contribution.

**Cash Contributions:**

Contributions exceeding \$100 would have to be by written instrument  
be - rson making the contribution.

Government Contractor Contributions:

Could clarify existing law which prohibits government contractors from making political contributions by stating that this prohibition will not be violated if a corporation or labor organization having government contracts establishes a segregated fund provided for in 18 U.S.C. 610, for the purpose of making political contributions.

Alien National Contributions:

Could prohibit contributions from an individual who is neither an U. S. citizen nor an alien admitted for permanent residence.

Expenditures Contributions:

Could permit candidate to use the amounts which are received as contributions but exceed the amounts necessary to defray campaign expenditures, to defray any ordinary and necessary expenses incurred in connection with his duties as a holder of Federal office; or such funds may be contributed to a charitable organization.

Reporting Requirements:

Federal office candidates would be required to furnish, whenever the Comptroller General directs, a statement of the qualified campaign expenses incurred prior to that date and a statement of the qualified campaign expenses which he proposes to incur in the future.

Would change the present provisions requiring that a record be kept of the address, occupation, and principal place of business of contributors giving more than \$10, by requiring such records only where more than \$100 is given. For contributors giving between \$10 and \$100, would require a record of the name and address of the contributor.

Persons making contributions or expenditures exceeding \$100 per year other than to a candidate or political committee would be subjected to reporting requirements.

Banking Privilege:

Could bar Members of Congress from making any mass mailing of a newsletter or mailing with a simplified form of address under the frank during a period of 60 days before the day of an election in which he is a candidate or from soliciting funds by mailing under the frank. Note: Congress has recently enacted a new franking law, Pub. L. 86-191 (H. R. 3180)]

Crimes:

Would make the following offenses felonies:

1. Embezzlement or conversion of political contributions
2. Voting fraud
3. Fraudulent misrepresentation of campaign authority
4. Disclosure of Presidential election results prior to midnight, EST
5. Violation of contribution and expenditure limitations

Would make the following offenses misdemeanors:

1. Violation of frank suspension and prohibition
2. Violation of cash contribution limitations

Political Committees and Campaign Depositories:

Campaign Depositories - Would require each candidate and the treasurer of each political committee to designate one or more banks as campaign depositories, into which all campaign contributions and public financing entitlements must be deposited, and, from which all expenditures must be made.

Political Committees - Congressional candidates would be required to designate one political committee as a central campaign committee.

Presidential candidates would be permitted to designate in each State one State campaign committee, in addition to the central campaign committee. Such committees are required to receive reports filed by other political committees, consolidate them and furnish them to the Commission.

Would require each political committee to register by filing a statement of organization within 10 days after the date the committee is organized. Under present law, such statements need be filed only if the committee has reason to anticipate that it will receive contributions or make expenditures amounting to \$1,000 in one year.

Would subject the following committees to disclosure requirements of P.L. 92-225 by defining "political committee" to include:

1. Any committee, club, association or other group of persons receiving contributions or making expenditures amounting to \$1,000 or more in a year;
2. Any national committee, association or organization of a political party or State affiliate thereof;
3. Any committee, association or organization engaged in the administration of a segregated fund set up by a corporation or labor union for political purposes as provided in 18 U.S. §610.

(Under provisions of the present law, only those committees, associations or organizations which accept contributions or make expenditures of \$1,000 or more per year are covered by the reporting requirements of the Act.)

Broadcasting - Political:

1. Provides that any obligation which a licensee has under Sec. 315(a) equal time provisions to permit Federal office candidates, other than Presidential candidates, to use its broadcast facilities shall be met if such candidates are given 5 minutes of broadcast time without charge in area where election is held
2. Would bar a station from charging a candidate for broadcast time unless the candidate certifies that payment of such charge would not violate any state or Federal campaign spending limitation.
3. Would require each station to maintain a record of political broadcasts for two years.

Advertising - Political:

Provides that:

1. Any person causing a political advertisement to be published must furnish to the publisher his identification in writing, together with the identification of any person authorizing him to cause the publication.
2. A published political advertisement must contain a statement identifying the person who authorized the ad.
3. Any publisher of political advertisement must maintain a record of any ads for two years after the date of publication.
4. Newspaper and magazine space must be sold to candidates for Federal elective office at the same charge which is made for comparable use of such space for other purposes.
5. Political committees must include on front page of ads soliciting contributions a notice that their reports required by the Act are filed.

Candidates:

Registration - Would require each Federal office candidate to file with the Commission a registration statement which would include

an identification of any individual or political committee authorized to receive contributions or make expenditures, and of his campaign depository. Under present law, only political committees must register.

Financial Disclosure - Would require each candidate for election to Congress, Members of Congress, President, Vice President and certain U.S. officers and employees, at GS 16 level or earning more than \$25,000 per year, to file with the Commission a full statement of their personal financial affairs including:

1. amount of Federal, State, and local income or property tax
2. the amount and source of each item of income, gift or reimbursement over \$100;
3. identity of each asset and the amount of each liability over \$1,000;
4. all dealings, involving over \$1,000, in securities and commodities;
5. all purchases or sales of any interest in real property which has a value of more than \$1,000, except for personal residence paid by, received by, held by or made by him or him and his spouse during the preceding calendar year.

Provides that the Commission shall make such statements of financial disclosure available for public inspection.

Income Tax Audit - Provides that the Comptroller General will obtain by July 1 of each year from the Internal Revenue Service all returns filed during the past 5 years by Members of Congress and executive and legislative employees earning \$20,000 per year or more. Such returns would be audited by the Comptroller General who will then report to the taxpayer and Internal Revenue Service the results of the audit, Internal Revenue Service would then take action it deems proper.

Effect on State Law:

Provides that provisions of the Federal Election Campaign Act preempt any provision of State law regarding campaign for nomination or election to Federal office.

(Under the present law, a State law remains in effect so long as it is not in conflict with any Federal provision.)

Poll Closing:

Would require all polling places in the United States to close simultaneously at 11 o'clock EST

Federal Election Day:

Would make election day a holiday and would change it to the first Wednesday after the first Monday in November

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 3131 Roth 3/7/74 Finance	CAMPAIGN FINANCING - PUBLIC FINANCING - TAX CREDIT & DEDUCTION: - Tax credit increased from \$12.50 to \$150 per year - Tax deduction eliminated
S. 3261 Tower 3/28/74 Rules & Admini- stration	NOTE: Senator Tower states at 120 Cong. Rec. S. 3489 that "[t]he bill generally encompasses President Nixon's election campaign pro- posals as outlined in his message delivered to the Nation on March 8." CAMPAIGN FINANCING - INDEPENDENT COMMISSION TO SUPERVISE ELECTIONS: - Federal Election Commission created to re- place Comptroller General in performing such duties as receiving campaign reports compiling information relating to campaign contributions and expenditures and auditing reports submitted CONTRIBUTIONS & EXPENDITURES - CAMPAIGN COMMITTEES, DEPOSIT- ORIES & POLITICAL ACTION GROUPS: - Candidate must designate one political commit- tee to receive campaign contributions - Candidate must designate one bank as a cam- paign depository from which all committee expenditures must be made by check - Political action groups, which are commit- tees or associations, other than a national committee or a political committee, that accept or make contributions exceeding \$1,000 for elections in any year, must have a Chairman and a Treasurer - Political committees and political action groups must register with Commission within 10 days after their organization - Political action groups must make all contributions in cash or its equivalent IDENTIFICATION OF CONTRIBUTORS: - Political committees and political action groups must keep account of name, address, occupation and principal place of business of person making contribution over \$10



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 3261 cont.	<p><b>REPORTING REQUIREMENTS:</b></p> <ul style="list-style-type: none"> <li>- Political committees and political action groups must submit to the Commission reports detailing contributions, expenditures, proceeds from sales, debts, etc.</li> <li>- Representatives of a National political party and groups dealing with them must report on the financing of Presidential nomination conventions</li> <li>- Contributions over \$10 to political committees, National committees or political action groups must be accompanied by a form prescribed by the Commission and such forms must be retained for the Commission</li> </ul> <p><b>CASH CONTRIBUTIONS:</b></p> <ul style="list-style-type: none"> <li>- Prohibited to political committees, National committees or political action groups if over \$50</li> </ul> <p><b>LOANS:</b></p> <ul style="list-style-type: none"> <li>- Contributions in form of loan prohibited</li> </ul> <p><b>FOREIGN CHECKS:</b></p> <ul style="list-style-type: none"> <li>- Contribution by instrument drawn on foreign bank prohibited</li> </ul> <p><b>SOLICITATION OF CONTRIBUTIONS:</b></p> <ul style="list-style-type: none"> <li>- No supervisor or union official shall solicit contributions on behalf of a National committee political committee or action group</li> <li>- No person shall intimidate, threaten or coerce a person to make or refrain from making a contribution</li> </ul> <p><b>CONTRIBUTION LIMITATION:</b></p> <ul style="list-style-type: none"> <li>- \$3,000 - Individual contribution to a political committee in connection with any election</li> <li>- \$5,000 - Individual contribution to a political committee in connection with a Presidential campaign</li> <li>- \$25,000 - Individual contribution to a political action group in one year</li> </ul> <p><b>UNEXPENDED CONTRIBUTIONS:</b></p> <ul style="list-style-type: none"> <li>- Political committee must give excess funds to that Treasury or a National committee within 7 days after the general election</li> </ul> <p><b>EXPENDITURE PROHIBITION:</b></p> <ul style="list-style-type: none"> <li>- No person may make any expenditures on behalf of a candidate except a political committee</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 3261 cont.	<p>REGISTRATION:</p> <ul style="list-style-type: none"> <li>- Imposes certain reporting and disclosure rules on organizations that register voters with the aid of paid workers and that intend to make payments exceeding \$1,000 per year</li> </ul> <p>CORRUPT PRACTICES - CAMPAIGN PRACTICES:</p> <ul style="list-style-type: none"> <li>- Makes it unlawful for a person to convey false instructions to a campaign worker, to place misleading advertisements in the communications media, to utter a false statement concerning any material about a candidate, to prevent a candidate from speaking through the use of loud and boisterous noise, etc.</li> </ul> <p>DAY FOR HOLDING PRIMARIES &amp; CONVENTIONS - DESIGNATE:</p> <ul style="list-style-type: none"> <li>- State barred from holding convention or primary to choose delegates to a National nominating convention where a Presidential candidate will be nominated</li> </ul> <p>BROADCASTING - POLITICAL - EQUAL TIME:</p> <ul style="list-style-type: none"> <li>- Repeals equal time requirements of the Communications Act with respect to Federal office candidates</li> </ul>
S. 3357 Burdick 4/11/74 Post Office & Civil Service	<p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT:</p> <ul style="list-style-type: none"> <li>- Removes present Hatch Act prohibition by permitting Federal employees to take an active part in political management or political campaigns</li> <li>- Political contributions by Federal employees appointees, Members of Congress, and members of the uniformed services are prohibited unless they are voluntarily made to a candidate or a political campaign</li> </ul>
S. 3395 Bentsen 4/29/74 Judiciary	<p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES:</p> <ul style="list-style-type: none"> <li>- Prohibits person who worked in a Presidential candidate's campaign from being appointed to an office in the Justice Department if that candidate becomes President</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 3463 Pastore 5/9/74 Commerce	BROADCASTING - POLITICAL - EQUAL TIME: - Excludes Presidential and Vice Presidential candidates equal requirements of the Communications Act
S. 3652 Ervin 6/17/74 Judiciary	CAMPAIGN FINANCING - INDEPENDENT PROSECUTOR TO ENFORCE ELECTIONS LAWS: - Establishes an independent Public Prosecutor who will have concurrent jurisdiction with the Attorney General to prosecute certain crimes involving elections and political activities
S. 3860 Kennedy 7/31/74 Rules & Administration	REGISTRATION - LISTS: - Bars giving and receiving of voter registration lists for federal elections for any nongovernmental purpose, except in the case of a candidate of other persons conducting a campaign or an organization conducting a voter registration drive
S. 4059 Weicker 9/20/74 Government Operations	CANDIDATES - FINANCIAL DISCLOSURE BY: - Requires federal officeholders and federal employees earning over \$30,000 annually to disclose each asset held jointly during the preceding year by him or with his spouse or by him and his children if the asset has a fair market value exceeding \$1,500
S. 4181 Allen 12/22/74 Judiciary	VOTING RIGHTS ACT OF 1965 - REPEAL: - Repeals sections 4 and 5 of the Act relating to its automatic application and prior approval of changes in voting qualifications

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>S. 4196 Kennedy, Scott 11/26/74 Financial</p>	<p>CAMPAIGN FINANCING - PUBLIC FINANCING CONGRESSIONAL CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Congressional Election Account established in the Presidential Election Campaign Fund for the payment of campaign expenses incurred by Congressional candidates in general and primary election campaigns</li> <li>- Federal Election Commission must certify all payments to candidates and decisions are subject to judicial review</li> <li>- To be eligible to receive public funding, a candidate has to make certain agreements relating to record keeping, auditing, contribution and expenditure limitations, etc., and candidate is required to certify that he has received minimum contributions as follows with no portion of a contribution in excess of \$100 from one person counted:             <ol style="list-style-type: none"> <li>1. Representative - \$10,000</li> <li>2. Senator - Lesser of (1) 20% of expenditure limit or (2) \$125,000</li> </ol> </li> <li>- Only candidates seeking nomination by a political party eligible to receive funds for a primary election campaign</li> <li>- Entitlements:             <ol style="list-style-type: none"> <li>1. Primary Election - Congressional candidates entitled to matching payments in an amount equal to the first of \$100 received from each contributor for that campaign</li> <li>2. General Election:                 <ol style="list-style-type: none"> <li>a. Major party congressional candidates entitled to payments equalling their expenditure limitations</li> <li>b. Minor party congressional candidates entitled to an amount bearing the same ratio to the amount allowed a major party candidate as the number of votes won in the last election by the minor party candidate bears to the average number of votes won by the major party candidates for the same office in the last election</li> <li>c. Minor party or new party candidates who win 5% of the votes cast in the election are entitled to an amount representing the same ratio set forth for minor party candidates</li> </ol> </li> </ol> </li> </ul> <p>TAX CHECKOFF:</p> <ul style="list-style-type: none"> <li>- Increased from \$1 to \$2 per year</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. 4227 Ervin 12/11/74 Govern- ment Operations	<p>CORRUPT PRACTICES &amp; ELECTION OFFENSES</p> <ul style="list-style-type: none"> <li>- ENFORCEMENT:</li> <li>- Establishes a Public Attorney to investigate and prosecute criminal cases referred by the Federal Election Commission</li> <li>- Attorney General would halt its proceedings in any case referred to the Public Attorney</li> </ul> <p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES:</p> <ul style="list-style-type: none"> <li>- Amends the Hatch Act by prohibiting those persons who are presently exempted from the partisan political activity restriction from soliciting or receiving political contributions during their tenure and for one year after</li> <li>- Makes violation of the Hatch Act provision relating to political contributions a criminal offense</li> </ul> <p>CAMPAIGN FINANCING - PUBLIC FINANCING</p> <ul style="list-style-type: none"> <li>- TAX CREDIT &amp; DEDUCTION:</li> <li>- Increased from \$12.50 to \$25 per year</li> <li>- Tax deduction repealed</li> </ul> <p>CRIMES:</p> <ul style="list-style-type: none"> <li>- Makes the following activities a criminal offense:               <ol style="list-style-type: none"> <li>1. stealing campaign material</li> <li>2. using funds to finance a violation of Federal election laws</li> <li>3. political contributions by recipients of federal grants, loans or subsidies</li> <li>4. fraudulent infiltration of a Federal election campaign for sabotage purposes</li> <li>5. misrepresentation of a candidate</li> </ol> </li> </ul>
S. 4232 Ervin 12/12/74 Judiciary	<p>POLITICAL SURVEILLANCE - PROHIBIT:</p> <ul style="list-style-type: none"> <li>- Illegal for United States civil officer or military officer to investigate or record information on the beliefs, associations or political activities of any person not a member of the Armed forces or of any civilian organization</li> <li>- Civil action or damage authorized for any person aggrieved as a result of illegal surveillance and class actions to enjoin such violations</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
S. Res. 60* Ervin 2/5/73	<p style="text-align: center;"><u>ACTION</u></p> <p>2/7/73 - Passed Senate</p> <p><u>ELECTION OFFENSES &amp; CORRUPT PRACTICES:</u></p> <ul style="list-style-type: none"> <li>- Establishes Congressional Committee to investigate activities in 1972 Presidential election</li> </ul> <p>NOTE: Not all measures dealing with such committees will appear in the Survey</p>
S. J. Res. 110* Scott (Pa.) 5/6/73 Rules & Admini- stration	<p style="text-align: center;"><u>ACTION</u></p> <p>SENATE: 6/8-7/73 - Hearings by Subcom. on Privileges &amp; Elections</p> <p style="padding-left: 100px;">7/11/73 - Reported from Com. S. Rept. 93-309</p> <p style="padding-left: 100px;">7/30/73 - Passed Senate</p> <p>HOUSE: 7/31/73 - Referred to House Administration Com.</p> <p><u>CAMPAIGN FINANCING - INDEPENDENT COMMISSION TO INVESTIGATE ELECTIONS:</u></p> <ul style="list-style-type: none"> <li>- Nonpartisan Commission on Federal Election Reform established to study Federal political campaign matters including the adequacy of enforcement provisions of existing campaign laws; the existing and alternative methods of financing political campaigns and limiting campaign spending; the review of Federal tax laws as they relate to the financing of political campaigns; the purposes for which money is expended in political campaigns; Federal nomination procedures used by political parties; the adequacy of safeguards against wrongful campaign tactics; the interrelationship of Federal, State, and local campaigns, campaign laws, and campaign financing; the length of the period over which candidates are required to campaign for nomination</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 421* Conte 1/3/73 Ways & Means Public L. 93-625	<p style="text-align: center;"><b>ACTION</b></p> <p><b>HOUSE:</b> 4/4/74 - Reported from Com., H. Rept. 93-972</p> <p>4/8/74 - Passed House</p> <p><b>SENATE:</b> 4/10/74 - Referred to Finance Com.,</p> <p>12/16/74 - Reported from Com., S. Rept. 93-1357</p> <p>12/17/74 - Passed Senate amended and Senate asked for conference</p> <p><b>CONFERENCE:</b> 12/18/74 - House agreed to conference</p> <p>12/19/74 - Conference Report filed in House, H. Rept. 93-1642</p> <p>12/20/74 - House and Senate agreed to Conference Report</p> <p>1/3/75 - Public Law 93-625</p> <p><b>CAMPAIGN FINANCING - POLITICAL ORGANIZA- TIONS - TAXATION:</b></p> <ul style="list-style-type: none"> <li>- Tax imposed on political organizations' income from investments, appreciated property and business activities, by requiring that such organizations pay tax on income other than that (1) acquired through political contributions or political fundraising activities and (2) used to influence the outcome of an election</li> <li>- Tax exempt organizations (other than political organizations) which expend amounts to influence elections must pay tax on such amounts in a similar manner as a political organization</li> <li>- Fund established by a candidate or officeholder for use in preparing and distributing newsletters shall be taxed in the same way as a political organization</li> </ul> <p><b>PUBLIC FINANCING - TAX DEDUCTION &amp; CREDIT:</b></p> <ul style="list-style-type: none"> <li>- Makes existing credit and deduction provisions available for contributions for newsletters</li> <li>- Tax credit increased from \$12.50 per year to \$25</li> <li>- Tax deduction increased from \$50 per year to \$100</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 421 cont.	<p>CONTRIBUTIONS - INCOME TAXATION:</p> <ul style="list-style-type: none"> <li>- Where a person transfers property to a political organization and the fair market value of that property exceeds its adjusted basis, the transferor must pay tax on the amount he would have gained had he sold the property</li> </ul> <p>GIFT TAXATION:</p> <ul style="list-style-type: none"> <li>- Gift tax not applicable to contributions to political organizations</li> </ul>
H. R. 3180* Udall 1/29/73 Post Office & Civil Service Public L. 93-191	<p style="text-align: center;">ACTION</p> <hr/> <p>HOUSE: 3/21/73 - Reported from Com. H. Rept. 93-80</p> <p>4/11/73 - Passed House</p> <hr/> <p>SENATE: 4/12/73 - Referred to S. Post Of- fice &amp; Civil Service Com.</p> <p>10/10/73 - Reported from Com. S. Rept. 93-461</p> <hr/> <p>10/11/73 - Passed Senate amended</p> <p>12/11/73 - Conference Rept. 93-712 filed in House</p> <p>12/11/73 - Senate agreed to Con- ference Rept.</p> <p>12/17/73 - House agreed to Conference Rept.</p> <hr/> <p>12/18/73 - Public Law 93-191</p> <hr/> <p>CAMPAIGN FINANCING - FRANKING PRIVILEGE:</p> <ul style="list-style-type: none"> <li>- Mass mailings under the frank prohibited less than 2 days prior to the primary or general election in which the member is a candidate</li> </ul> <p>NOTE: Not all measures dealing with the franking privilege will appear in the Survey. Only those bills which have had action will appear</p>
	<p style="text-align: center;">ACTION</p> <hr/> <p>4/30/73 - Reported from Com. H. Rept. 93-159</p> <p>5/16/73 - Passed House</p> <hr/> <p>E: 5/17/73 - Referred to S. Commerce Com.</p> <p>7/28/73 - Discharged from Com.</p> <p>8/2/73 - Passed Senate, amended</p> <p>12/29/73 - Public Law 93-167</p>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 5777 cont.	<p>POLITICAL ITEMS - REPRODUCTIONS:</p> <ul style="list-style-type: none"> <li>- Prohibits the manufacture, importation or distribution of any imitation political item which is not plainly and permanently marked with the year of manufacture</li> </ul>
H. R. 6186* Stuckey 3/27/73 District of Colum- bia Public L. 93-268	<hr/> <p style="text-align: center;">ACTION</p> <hr/> <p>HOUSE: 11/20/73 - Reported from Com., H. Rept. 93-654</p> <hr/> <p>11/26/73 - Passed House</p> <hr/> <p>SENATE: 11/27/73 - Referred to S. District of Columbia Com.</p> <p>12/12/73 - Reported from Com., S. Rept. 93-618</p> <p>12/14/73 - Passed Senate amended</p> <hr/> <p>12/20/73 - House agreed to Senate amendments, with amend- ment</p> <p>12/21/73 - Senate disagreed with House amendment and requested conference</p> <p>2/19/74 - House agreed to conference</p> <p>3/27/74 - Conference Report 93-955 filed in House</p> <p>4/2/74 - House agreed to Con- ference Rept.</p> <p>4/3/74 - Senate agreed to Con- ference Rept.</p> <hr/> <p>4/16/74 - Pub. L. 93-268</p> <hr/> <p>GOVERNMENT EMPLOYEES - POLITICAL ACTI- VITIES - HATCH ACT:</p> <ul style="list-style-type: none"> <li>- For purposes of the first primary and general elections in which the District of Columbia government will be chosen under Pub. L. 93-198, Federal and D. C. government employees will be permitted, in such first elections, to be candidates for the office of Mayor, Council Chairman or Council member; and if candidates, they will be permitted to take an active part in political management or campaigns</li> <li>- Provides that the above exemption from the Hatch Act will terminate as of 1/2/75</li> <li>- Amends the provisions which establish exemptions from the Hatch Act by expressly stating that the political activity prohibitions do not apply to the D. C. Mayor, Council members or Council Chair- man</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>H. R. 7612* Anderson (Ill.) 5/9/73 House Admini- stration</p>	<p style="text-align: center;">ACTION</p> <p>10/2, 10, 16, 15 &amp; 11/15 &amp; 29/73 - Hearings by Subcom. on Elections</p> <hr/> <p>CAMPAIGN FINANCING - INDEPENDENT COMMISSION TO SUPERVISE &amp; ENFORCE ELECTIONS LAWS:</p> <ul style="list-style-type: none"> <li>- Federal Election Commission Established with power to initiate and prosecute civil or criminal actions to enforce laws relating to disclosure of campaign funds</li> </ul> <p>CONTRIBUTIONS &amp; EXPENDITURES - CAMPAIGN COMMITTEES:</p> <ul style="list-style-type: none"> <li>- Each candidate must designate a central campaign committee to receive reports of contributions and expenditures made by other political committees</li> </ul> <p>REPORTING REQUIREMENTS:</p> <ul style="list-style-type: none"> <li>- Consideration given, if any, for extinguishing a debt owed by or to a political committee must be reported</li> </ul> <p>LIMITATION ON AMOUNTS OF CONTRIBU- TIONS:</p> <ul style="list-style-type: none"> <li>- \$2,500 per year to Presidential candidate</li> <li>- \$1,000 per year to Congressional candidate</li> <li>- \$2,500 per year to political committee</li> </ul> <p>FEDERAL OFFICE CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Federal Matching Payment Entitlement Fund established in the Treasury for payment to a Federal office candidate or an official national or congressional campaign committee of an amount equal to the amount of each private contribution from an individual whose aggregate contributions are not in excess of \$50</li> <li>- Commission to certify such payments</li> <li>- Limitations on payments from the Fund: No payment will be made if the candidate or committee has received from both private and public funding an amount exceeding:             <ol style="list-style-type: none"> <li>1. 10 cents per person of voting age in area where election is being held for candidates</li> <li>2. \$15 million for official national party committee</li> </ol> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS																						
H.R. 7612 cont.	<p>TAX CREDIT:</p> <ul style="list-style-type: none"> <li>- Increased from \$12.50 to \$50</li> </ul> <p>POLITICAL BROADCASTING - REQUIRED TIME:</p> <ul style="list-style-type: none"> <li>- Specific amounts of "voter's time" must be made available to Federal office candidate by broadcast stations</li> </ul> <p>PUBLIC FINANCING:</p> <ul style="list-style-type: none"> <li>- U. S. Government to pay cost of "voter's time" at a rate not exceeding the prevailing unit charge of the station for the same amount of program time in the same period</li> </ul>																						
H.R. 7645* Hays 5/9/73 Foreign Affairs Pub. L. 93-126	<p>ACTION</p> <table border="1"> <tbody> <tr> <td data-bbox="298 493 515 516">HOUSE: 5/23/73</td><td data-bbox="536 493 899 539">- Reported from Com., H. Rept. 93-223</td></tr> <tr> <td data-bbox="298 539 515 562"></td><td data-bbox="536 539 899 562">6/7/73 - Passed House</td></tr> <tr> <td data-bbox="298 562 515 586">SENATE: 6/8/73</td><td data-bbox="536 562 899 586">- Ordered placed on Calendar</td></tr> <tr> <td data-bbox="298 586 515 609"></td><td data-bbox="536 586 899 609">6/14/73 - Passed Senate amended</td></tr> <tr> <td data-bbox="298 609 515 632"></td><td data-bbox="536 609 899 655">7/10/73 - Conference Report 93-367 filed in House</td></tr> <tr> <td data-bbox="298 655 515 678"></td><td data-bbox="536 655 899 712">9/11/73 - House concurred in Senate amendment with an amend- ment</td></tr> <tr> <td data-bbox="298 712 515 735"></td><td data-bbox="536 712 899 779">9/26/73 - Senate agreed with further amendment and asked for further Conference</td></tr> <tr> <td data-bbox="298 779 515 802"></td><td data-bbox="536 779 899 820">10/1/73 - House agreed to further Conference</td></tr> <tr> <td data-bbox="298 820 515 843"></td><td data-bbox="536 820 899 866">10/9/73 - Conference Rept. 93-363 filed in House</td></tr> <tr> <td data-bbox="298 866 515 890"></td><td data-bbox="536 866 899 913">10/10/73 - Both Houses agreed to Conference Report</td></tr> <tr> <td data-bbox="298 913 515 936"></td><td data-bbox="536 913 899 936">10/18/73 - Pub. L. 93-126</td></tr> </tbody> </table> <p>CAMPAIGN FINANCING - CONTRIBUTIONS - DIPLOMATIC PERSONNEL:</p> <ul style="list-style-type: none"> <li>- Persons nominated by the President for appointment as ambassador or minister to file with the Senate Foreign Relations Committee and the Speaker of the House a report of political contributions made by the appointee or his immediate family during the preceding 4 years</li> <li>- Foreign Service Officers who are nominated and who have performed satisfactorily for 3 years preceding the nomination exempted from reporting requirement</li> </ul>	HOUSE: 5/23/73	- Reported from Com., H. Rept. 93-223		6/7/73 - Passed House	SENATE: 6/8/73	- Ordered placed on Calendar		6/14/73 - Passed Senate amended		7/10/73 - Conference Report 93-367 filed in House		9/11/73 - House concurred in Senate amendment with an amend- ment		9/26/73 - Senate agreed with further amendment and asked for further Conference		10/1/73 - House agreed to further Conference		10/9/73 - Conference Rept. 93-363 filed in House		10/10/73 - Both Houses agreed to Conference Report		10/18/73 - Pub. L. 93-126
HOUSE: 5/23/73	- Reported from Com., H. Rept. 93-223																						
	6/7/73 - Passed House																						
SENATE: 6/8/73	- Ordered placed on Calendar																						
	6/14/73 - Passed Senate amended																						
	7/10/73 - Conference Report 93-367 filed in House																						
	9/11/73 - House concurred in Senate amendment with an amend- ment																						
	9/26/73 - Senate agreed with further amendment and asked for further Conference																						
	10/1/73 - House agreed to further Conference																						
	10/9/73 - Conference Rept. 93-363 filed in House																						
	10/10/73 - Both Houses agreed to Conference Report																						
	10/18/73 - Pub. L. 93-126																						

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 8053* Dent 5/22/73 House Ad- ministra- tion	ACTION
	HOUSE: 8/27-28/ & 7/19, 25/73 - Hearings by Subcom. on Elections 2/5/74 - Reported from Com., H. Rept. 93-778
	<p>REGISTRATION - MAIL:</p> <ul style="list-style-type: none"> <li>- Voter Registration Administration established within the General Accounting Office to administer a voter registration program for Federal elections through the Postal Service</li> <li>- President to appoint, with the advice and consent of the Senate, an Administrator and two Associate Administrators</li> <li>- Administration to collect, analyze and arrange for the publication and sale by Government Printing Office of information concerning elections in the United States</li> <li>- Person who fulfills the requirements to be qualified voter under State law and who is registered under this Act is entitled to vote in Federal elections held in that State</li> <li>- State required to provide for the registration of all of its residents who apply no later than 30 days immediately prior to a Federal election</li> <li>- Administration to prepare voter registration forms in sufficient quantities for postal delivery and for public distribution</li> <li>- Administration to reimburse States for cost of processing post card registrations for Federal elections, and may also make additional payments to States adopting the post card registration system, but latter payments may not exceed 30% of the cost of reimbursements to the State</li> </ul> <p>ELECTION OFFENSES - VOTER FRAUD:</p> <ul style="list-style-type: none"> <li>- Administration to assist State officials when they have reason to believe that individuals who are not qualified electors are attempting to register to vote under this Act</li> <li>- Crime punishable by \$10,000 fine and 5 years imprisonment for a person to knowingly give false information for the purposes of establishing his eligibility to register to vote under this Act to encourage false registration and illegal voting by another person</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 8053 cont.	- Crime punishable by \$5,000 fine and 5 years imprisonment for a person to deprive another person of any right under this Act
H. R. 8410* Amendment #215 Humphrey 6/8/73 Pub. L. 93-53	<div data-bbox="477 265 567 284" style="text-align: center;">ACTION</div> <div data-bbox="308 287 875 517"> <div data-bbox="308 287 875 306">HOUSE: 6/13/73 - Passed House</div> <div data-bbox="308 308 875 327">SENATE: 6/14/73 - Referred to S. Finance Com.</div> <div data-bbox="443 330 875 370">6/25/73 - Reported from Com. S. Rept. 93-249</div> <div data-bbox="443 372 875 391">6/27/73 - Passed Senate amended</div> <div data-bbox="443 394 875 413">6/28/73 - Conference Rept. 93-355</div> <div data-bbox="443 415 875 434">6/30/73 - Conference Rept. 93-362</div> <div data-bbox="443 437 875 498">6/30/73 - House agreed to Senate amendment with amendment, to which Senate agreed</div> <div data-bbox="443 501 875 517">7/1/73 - Approved Pub. L. 93-53</div> </div> <div data-bbox="308 520 875 560"> <div data-bbox="308 520 875 560">CAMPAIGN FINANCING - PUBLIC FINANCING - TAX CHECKOFF:</div> <div data-bbox="308 563 875 1053"> <div data-bbox="308 563 875 753">- <u>Separate Account/General Account:</u> Eliminates the use of the separate account under present law by removing the option formerly available to the taxpayer to specify the political party or separate account to which his tax check-off money would go. Instead, places all check-off money into a general fund, or general account, from which payments will be made to eligible candidates under the formula set forth in the present law</div> <div data-bbox="308 754 875 839">- <u>Designation on IRS Form:</u> Requires that the designation made on the personal income tax form be made either on the first page of the return or on the page bearing the taxpayer's signature</div> <div data-bbox="308 840 875 1008">- <u>Payments:</u> Adds a new provision to the present law by requiring the Secretary of the Treasury, in disbursing the check-off money, to withhold payments, if there are not sufficient funds to satisfy the full entitlement of the eligible candidates, in order to insure that the eligible candidates of each political party will receive a pro rata share of their full entitlement</div> <div data-bbox="308 1009 875 1053">- <u>Effective Date:</u> Makes this law effective as of the tax years beginning after 1972</div> </div> </div>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 9020* Kastenmeier 6/27/73 Judiciary	<p style="text-align: center;">ACTION</p> <hr/> HOUSE: 1/30/74 - Hearings by Subcom. on Courts, Civil Liberties, and the Administration of Justice <hr/> - QUALIFICATIONS TO VOTE - CRIMINAL OFFENDERS: - Prohibits the denial of the right to vote in a Federal election to a citizen on the grounds that he has been convicted of a Federal offense unless he is confined at the time of the election or unless the crime related to voting or elections
H. R. 10397* Holifield 9/19/73 Govern- ment Opera- tions	<p style="text-align: center;">ACTION</p> <hr/> HOUSE: 9/25/73 - Reported from Com., H. Rept. 93-528 10/18/73 - Passed House <hr/> SENATE: 10/23/73 - Referred to Government Operations Com. 12/13/74 - Reported from Com., S. Rept. 93-1350 <hr/> GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT: - Prohibits partisan political activity on the part of the Chairman and employees of the Cabinet Committee on Opportunities for Spanish Speaking People

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 11104* 10/25/73 Ullman Ways & Means Amend- ment #651 Kennedy 11/13/73  (This law enacts a temp- orary increase in the public debt ceiling and does not, as enacted, include amendment containing election law provi- sion)	ACTION
	HOUSE: 10/25/74 - Reported from Com., H. Rept. 93-609 11/7/73 - Passed House
	SENATE: 11/9/73 - Referred to Finance Com. 11/21/73 - Reported from Com., S. Rept. 93-552 11/27/73 - Amendment No. 651 adopted and bill passed Senate
	11/29/73 - House disagreed with Senate Amendment  Saturday & Sunday 12/1-2/73 - Amendment #651 fil- bustered 12/3/73 - Senate receded from public financing amendments
	12/3/73 - Pub. L. 93-173  CAMPAIGN FINANCING, POLITICAL BROAD- CASTING AND REGISTRATION: - S. 372, as it passed the Senate on July 30, 1973 was incorporated into H. R. 11104. For summary of S. 372, see page 56 CAMPAIGN FINANCING- PUBLIC FINANCING - FEDERAL OFFICE CAMPAIGNS: - Federal Election Campaign Fund established in the Treasury for the payment of qualified campaign expenses incurred by Federal office candidates in general election campaigns - Major party Federal office candidates entitled to greater of: 1. 15 cents per person of voting age in the geographical area where election is held; or 2. (a) Senator - \$175,000 (b) Representative - \$90,000 - Minor party Federal office candidates entitled to an amount bearing the same ratio to the

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 11104 cont.	<p>amount allowed a major party candidate as the number of votes won in the last election by the minor party candidate bears to the average number of votes won by the major party candidates for the same office in the last election</p> <ul style="list-style-type: none"> <li>- Minor party or new party candidates who win 5% of the votes cast in the election are entitled to payments</li> <li>- Comptroller General to certify payments to candidates and his decisions are subject to judicial review by the U. S. Court of Appeals for the District of Columbia upon petition by any interested person</li> <li>- Candidates receiving public funds are barred from accepting private contributions except:             <ol style="list-style-type: none"> <li>1. to the extent that the U. S. Treasury Fund is insufficient to defray qualified campaign expenses; 2. for permissible contributions from party committees</li> </ol> </li> <li>- Candidates receiving public funds are barred from incurring qualified campaign expenses in excess of the amount which equals the aggregate payment to which major party candidates are entitled, plus the amount of expenditures permitted for party committees</li> <li>- Federal Election Campaign Fund Advisory Board established to counsel and assist the Comptroller General in his performance of the duties imposed in connection with the public financing of Federal office campaigns</li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 11104 cont.	<ul style="list-style-type: none"> <li>- Presidential Primary Matching Payment Fund established from which any Presidential candidate or his authorized committee is entitled, upon certification by the Comptroller General, to payments for qualified campaign expenses beginning 14 months prior to a general election, in an amount equal to the amount of each contribution under \$100</li> <li style="padding-left: 20px;">TAX CHECKOFF:</li> <li>- Increased from \$1 to \$2</li> <li>- Amount would be automatically placed in Federal Election Campaign Fund unless the taxpayer specifies otherwise</li> <li style="padding-left: 20px;">TAX DEDUCTION &amp; CREDIT:</li> <li>- Credit increased from \$12.50 to \$25 per year</li> <li>- Deduction increased from \$50 to \$100 per year</li> <li style="padding-left: 20px;">CONTRIBUTIONS &amp; EXPENDITURES -</li> <li style="padding-left: 40px;">CONTRIBUTION LIMITATION:</li> <li>- \$3,000 - Individual contribution to a Federal office candidate per year</li> <li>- \$25,000 - Individual contribution to all Federal office candidates and committees per year</li> <li style="padding-left: 20px;">EXPENDITURE LIMITATION:</li> <li>- \$15,000,000 - Campaign by candidate for nomination for election to the Presidency</li> <li style="padding-left: 20px;">REPORTING REQUIREMENTS:</li> <li>- Federal office candidates required to furnish, whenever the Comptroller General directs, a statement of the qualified campaign expenses incurred prior to that date and a statement of the qualified campaign expenses which he proposes to incur in the future</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>H. R. 12157 Dellums 1/21/74 House Administration</p>	<p>CAMPAIGN FINANCING - INDEPENDENT COMMISSION TO SUPER- VISE &amp; ENFORCE ELECTIONS LAWS: - National Election Finance Commission established with the power to initiate and prosecute civil or criminal actions to enforce provisions relating to disclosure of campaign funds, public financing, and campaign mail</p> <p>PUBLIC FINANCING - FEDERAL ELECTION CAMPAIGNS: - Election Campaign Finance Fund established in the Treasury for the payment of campaign expenses incurred by Federal office candidates in primary or general election campaigns - 10% deposit of major party candidate's entitlement must be placed with the Commission before the candidate can receive funds; but other candidates need only submit to the Commission signatures of 20 per cent of the registered voters residing in the geographic area where election is held in order to receive their entitlement - Candidates in primary election entitled to:     1. \$50,000 - Representatives     2. \$150,000 - Senator     3. \$13,000,000 - President - All candidates are prohibited from making expenditures from sources other than public funds, except that expenditures to establish a candidate's eligibility may be made from private funds</p> <p>POSTAGE RATES: - Permits Federal office candidates to send election campaign mail at the same postage rate applied to nonprofit organizations - Number of pieces of campaign mail which candidate may send varies according to which office he seeks, but incumbents are permitted fewer pieces of such mail</p> <p>POLITICAL BROADCASTING - REQUIRED TIME: - 10 one-half hour blocks of broadcast time must be made available to Presidential candidates by stations</p>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 12157 cont.	<p>PUBLIC FINANCING:</p> <ul style="list-style-type: none"> <li>- U. S. Government to pay cost of such time at a rate not exceeding the prevailing unit charge of the station for the same amount of broadcast time in the same period</li> </ul> <p>LIMITATION ON AMOUNTS OF CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- \$10 - Personal contribution to any Federal office candidate for the purpose of assisting the candidate to establish his eligibility for public funds</li> </ul>
H. R. 12218 Staggers 1/22/74 Interstate & Foreign Commerce	<p>BROADCASTING - POLITICAL - EQUAL TIME:</p> <ul style="list-style-type: none"> <li>- Equal time requirements of the Communications Act repealed with respect to Presidential and Vice Presidential candidates</li> </ul>
H. R. 12556 Frenzel 2/5/74 Armed Services	<p>POLITICAL SURVEILLANCE - PROHIBIT:</p> <ul style="list-style-type: none"> <li>- Prohibits Armed Forces members from storing, collecting or distributing information on political beliefs of any person or group</li> </ul>
H. R. 12723 Fuqua 2/7/74 House Admini- stration	<p>BROADCASTING - POLITICAL - EQUAL TIME:</p> <ul style="list-style-type: none"> <li>- Repeals the equal time requirements with respect to Federal office candidates</li> </ul> <p>CAMPAIGN ADVERTISING:</p> <ul style="list-style-type: none"> <li>- Requires any person causing a political advertisement to be published to furnish to the publisher his identification in writing, together with the identification of any person authorizing him to cause the publication</li> </ul> <p>CANDIDATES - FINANCIAL DISCLOSURE BY:</p> <ul style="list-style-type: none"> <li>- Requires Congressional candidates, Federal officeholders, and certain government employees to disclose the source of their income, as well as certain gifts, assets, and transactions in securities, commodities, and real estate</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 12723 cont.	<p>CAMPAIGN FINANCING - INDEPENDENT COMMISSION TO ENFORCE ELECTION LAWS:</p> <ul style="list-style-type: none"> <li>- Federal Election Commission established to receive reports and statements required by the Act and to enforce certain laws relating to election crimes</li> </ul> <p>CAMPAIGN COMMITTEES &amp; DEPOSITORIES:</p> <ul style="list-style-type: none"> <li>- Requires each candidate and the treasurer of each political committee to designate one or more banks as campaign depositories, into which all campaign contributions must be deposited, and, from which all expenditures must be made</li> <li>- Requires each candidate to designate a central campaign committee</li> </ul> <p>AUTHORIZATION OF PRESIDENTIAL CAMPAIGN COMMITTEE:</p> <ul style="list-style-type: none"> <li>- Requires that any expenditure of \$1,000 or more made by a Presidential or Vice Presidential nominee of a political party be specifically approved by the treasurer of the national committee of the political party</li> </ul> <p>UNEXPENDED CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Permits candidates to use the amounts which are received as contributions but exceed the amounts necessary to defray campaign expenditures, to defray any ordinary and necessary expenses incurred in connection with his duties as a holder of Federal office; or such funds may be contributed to a charitable organization</li> </ul> <p>LIMITATION ON CONTRIBUTIONS &amp; EXPENDITURES FROM CANDIDATES PERSONAL &amp; FAMILY FUNDS:</p> <ul style="list-style-type: none"> <li>- President and Vice President - \$50,000</li> <li>- Senator - \$35,000</li> <li>- Representative - \$25,000</li> </ul> <p>CONTRIBUTION LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- \$1,000 - Individual contribution to a <u>Congressional candidate</u></li> <li>- \$1,000 - Individual contribution to a <u>Presidential candidate</u></li> <li>- \$15,000 - Individual contribution to all Federal office candidates and political committees per year</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 12723 cont.	<p>EXPENDITURE LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- 1. Primaries - greater of: <ul style="list-style-type: none"> <li>a. 10 cents per person of voting age; or</li> <li>b. 1) Representatives - \$90,000 if from a State entitled to more than one Representative</li> <li>2) Senators - \$125,000</li> <li>3) President - \$125,000 in each State</li> </ul> </li> <li>- 2. General Election - greater of: <ul style="list-style-type: none"> <li>a. 15 cents per person of voting age</li> <li>b. 1) Representatives - \$90,000 if from a State entitled to more than one Representative</li> <li>2) Senators - \$175,000</li> <li>3) President - \$175,000 in each State</li> </ul> </li> </ul> <p>CASH CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- \$50 limit placed on cash contributions</li> </ul> <p>REGISTRATION - FEDERAL ASSISTANCE TO STATES:</p> <ul style="list-style-type: none"> <li>- Makes grants to States and political subdivisions to carry out programs of voter registration; and collect, analyze, and arrange for the publication of information concerning voter registration and elections in the United States</li> <li>- Advisory Council on Voter Registration and Election Administration to advise and assist the Commission in the preparation of regulations for carrying out its duties with regard to voter registration</li> </ul>
H. R. 12734 McDade 2/7/74 House Admini- stration	<p>VICE PRESIDENTIAL CANDIDATES - QUALIFICATIONS INVESTIGATION:</p> <ul style="list-style-type: none"> <li>- Upon receipt of written request from a Presidential nominee of a political party, the Attorney General to conduct an investigation through the FBI of persons listed as potential Vice Presidential nominees</li> <li>- Only Presidential nominee or his designate may inspect information obtained, and Vice Presidential nominee must consent to such inspection</li> <li>- Information obtained not to be copied or to leave the custody of the FBI, and must be destroyed after nomination of a Vice Presidential candidate</li> <li>- Unauthorized disclosure or retention of information is a criminal offense</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 12736 Mezvinsky 2/7/74 House Admini- stration	Identical to S. 2943
H. R. 13055 St. Germain	Identical to H. R. 7612
H. R. 13144 Litton 2/28/74 House Admini- stration	<p>CAMPAIGN FINANCING - CONTRIBUTIONS &amp; EXPENDITURES - CAMPAIGN COMMITTEES &amp; DEPOSITORIES:</p> <ul style="list-style-type: none"> <li>- Candidates must designate one campaign depository within 10 days of becoming candidate</li> <li>- Contributors must deposit contributions into campaign depository or give them to individual authorized to collect them and such individual must deposit contributions in depository</li> <li>- All expenditures must be made from depository upon written order of person to whom expenditure is made</li> </ul> <p>CONTRIBUTION LIMITATION:</p> <ul style="list-style-type: none"> <li>- Contributions over \$500 prohibited during 5 days before election</li> <li>- 3,000 - Individual contribution to a Federal office candidate in one year</li> </ul>
H. R. 13218 Ford, G.	Identical to S. 1898
H. R. 13268 Matsunaga 3/5/74 House Admini- stration	<p>CAMPAIGN FINANCING - INDEPENDENT COMMISSION TO SUPERVISE &amp; ENFORCE ELECTIONS LAWS:</p> <ul style="list-style-type: none"> <li>- Federal Election Commission established with the power to initiate and prosecute civil or criminal actions to enforce provisions relating to public financing and criminal provisions set forth in 18 U. S. C., Chapter 29</li> </ul> <p>PUBLIC FINANCING - CONGRESSIONAL CAMPAIGNS:</p> <ul style="list-style-type: none"> <li>- Congressional Election Campaign Finance Fund established in the Treasury for payment of expenses incurred by Congressional candidates in general election campaigns</li> </ul>

BILL NUMBER,  
SPONSOR,  
DATE, AND  
COMMITTEE

MAJOR PROVISIONS

H.R. 13268  
cont.

- To be eligible to receive payments, candidate must furnish a bond in an amount equal to the payments he requests from the Fund and a portion of the bond will be forfeited if he fails to receive 10% of total number of votes cast
- Candidates entitled to:
  1. Senator - greater of:
    - a. \$30,000; or
    - b. 10 cents per person registered to vote in most recent election in area where election for office to be held
  2. Representative
    - a. \$20,000; or
    - b. 10 cents per person registered to vote in most recent election in area where election is held
- Candidates must request payment of at least the lesser of:
  1. \$10,000; or
  2. 1 cent per person registered to vote in most recent election in area where election is held
- TAX CREDIT:
  - Increased from \$12.50 to \$50 per year
- CONTRIBUTIONS & EXPENDITURES - CONTRIBUTION LIMITATIONS:
  - \$3,000 - Contribution from one person to Federal office candidate
  - \$25,000 - Aggregate contributions from one person to all Federal office candidates in one year
  - \$25,000 - Aggregate contributions from one person to political party national committees, to Republican or Democratic Senatorial or Congressional Campaign Committees
- EXPENDITURE LIMITATIONS:
  - For primary and general elections:
    - A. Senator - greater of:
      1. \$250,000; or
      2. 70 cents per person registered to vote in most recent election in area where election is held
    - B. Representative - greater of:
      1. \$150,000; or
      2. 70 cents per person registered to vote in most recent election in area where election is held

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 13268 cont.	<ul style="list-style-type: none"> <li>- For primary runoffs:               <ul style="list-style-type: none"> <li>A. Senator - greater of:                   <ul style="list-style-type: none"> <li>1. \$40,000; or</li> <li>2. 15 cents per person registered to vote in most recent election in area where election is held</li> </ul> </li> <li>B. Representatives                   <ul style="list-style-type: none"> <li>1. \$25,000; or</li> <li>2. 15 cents per person registered to vote in most recent election in area where election held</li> </ul> </li> </ul> </li> <li>CASH CONTRIBUTIONS:               <ul style="list-style-type: none"> <li>- Prohibited if over \$100</li> </ul> </li> <li>BROADCASTING - POLITICAL - EQUAL TIME:               <ul style="list-style-type: none"> <li>- Eliminates equal time requirements for Presidential and Vice Presidential candidates</li> </ul> </li> </ul>
H. R. 13290 Reuss 3/6/74 Ways & Means	<p>CAMPAIGN FINANCING - PUBLIC FINANCING - TAX CHECKOFF:</p> <ul style="list-style-type: none"> <li>- Money designated on 1972 tax returns to the separate account of a political party which separate account was replaced with a non-partisan account under P. L. 93-53, is to remain in the general fund of the Treasury unless the taxpayer redesignates it</li> </ul>
H. R. 13521 Ruppe 3/14/74 House Admini- stration	<p>CAMPAIGN FINANCING - INDEPENDENT COMMISSION TO SUPERVISE ELECTIONS:</p> <ul style="list-style-type: none"> <li>- Federal Elections Commission established to replace Comptroller General in his present duties relating to candidate media expenditures; to supervise campaign disclosure requirements; and to report yearly to Congress and the President regarding action taken and recommendations for legislation</li> </ul> <p>CONTRIBUTIONS &amp; EXPENDITURES - CAMPAIGN COMMITTEES:</p> <ul style="list-style-type: none"> <li>- Candidates required to designate within a reasonable time after becoming candidate a committee to which all contributions must be made and which will make all expenditures for the candidate</li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 13521 cont.	<p>CONTRIBUTION LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- \$7,500 - President in primary or general election</li> <li>- \$2,500 - Senator or Representative in primary, primary runoff or general election</li> <li>- \$20,000 - National committee of political party, Republican or Democratic Senatorial or Congressional Committees in the aggregate from one person in one year</li> </ul> <p>EARMARKED CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Prohibits a person from giving funds to another for a campaign contribution by the latter person</li> </ul> <p>POLITICAL BROADCASTING - EXPENDITURE LIMITATION:</p> <ul style="list-style-type: none"> <li>- Increases from 10 cents to 20 cents per voting age person the communications media expenditure limitation and includes as a form of communications media direct mailings by a candidate with potential voters</li> </ul>
H. R. 13600 Ullman 3/19/74 House Admini- stration	<p>CAMPAIGN FINANCING - POLITICAL BROADCASTING - PUBLIC FINANCING:</p> <ul style="list-style-type: none"> <li>- Open Media Fund established for the purpose of financing advertising by Federal office candidates</li> <li>- In order to be eligible for payments from the Fund candidates must have received a certain number of \$50 contributions, with the number varying according to the office sought</li> <li>- Candidates entitled to advertising allotments as follows:             <ol style="list-style-type: none"> <li>1. Television and Radio Time - Varies in length on the basis of whether a candidate is a major party, minor party, or third party candidate</li> <li>2. Newspaper - Amount of payment based on whether a candidate is a major party, minor party or third party candidate and on the voting age population of the area where election to be held</li> </ol> </li> </ul> <p>CONTRIBUTIONS &amp; EXPENDITURES - CONTRIBUTION LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- \$2,500 - President in primary or general election</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 13600 con.	<ul style="list-style-type: none"> <li>- \$1,000 - Senator or Representative in primary or general election</li> <li>- No contributions allowed during 5 days immediately preceding election</li> <li style="padding-left: 20px;">CASH CONTRIBUTIONS:</li> <li>- Prohibited for contributions over \$5</li> <li style="padding-left: 20px;">EXPENDITURE LIMITATIONS:</li> <li>- 10 cents per registered voter in area where election is held or per person who voted in the most recent election for the office involved, whichever is greater</li> <li style="padding-left: 20px;">PUBLIC FINANCING - TAX DEDUCTION &amp; CREDIT:</li> <li>- Tax credit increased from \$12.50 to \$50 per year</li> <li>- Tax deduction increased from \$50 to \$100 per year</li> </ul>
H. R. 13653 Vander Jagt 3/20/74 House Administration	CAMPAIGN FINANCING - CONTRIBUTION LIMITATIONS: <ul style="list-style-type: none"> <li>- \$1,000 - Senator or Representative for primary or general election</li> </ul>
H. R. 13689 Chamberlain	Identical to H. R. 9853
H. R. 13907 Brown (Mich.)	Identical to H. R. 13689
H. R. 13929 Dent 4/3/74 House Administration	GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - FEDERAL: <ul style="list-style-type: none"> <li>- Amends the Hatch Act by replacing the prohibition against taking an active part in political campaigns with a prohibition against being a candidate for elective office</li> <li>- Removes all exemptions to the Hatch Act by repealing 5 U. S. C. §7324(e) and (d)</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 13929 cont.	STATE & LOCAL: - State and local employees permitted to be non-partisan candidate
H. R. 13930 Dent 4/3/74 House Admini- stration	GOVERNMENT EMPLOYEES - POLITICAL ACTI- VITIES - STATE & LOCAL: - Amends the Hatch Act by replacing the prohi- bition against taking an active part in political campaigns with a prohibition against being a partisan candidate for elective office
H. R. 14091 Frenzel	Identical to S. 3261
H. R. 14203 Brown (Mich.)	Identical to H. R. 9853
H. R. 14361 Stark	Identical to H. R. 2163
H. R. 14449* Hawkins 4/29/74 Education & Labor	<p style="text-align: center;">ACTION</p> <hr/> <p>HOUSE: 5/15/74 - Reported from Com., H. Rept. 93-1043 5/29/74 - Passed House</p> <hr/> <p>SENATE: 6/3/74 - Referred to Labor and Public Welfare 11/20/74 - Reported from Com., S. Rept. 93-1291 12/13/74 - Passed Senate amended and Senate asked for conference 12/16/74 - House agreed to conference</p> <hr/> <p>CONFERENCE: 12/19/74 - Conference Report filed in House, H. Rept. 93-1639; Senate agreed to Conference Report 12/20/74 - House agreed to Conference Report</p> <hr/> <p>1/4/75 - Public L. 93-644</p> <hr/>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 14449 cont.	GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES: - Agencies responsible for developing Headstart programs are deemed State or local agencies for purposes of the Hatch Act restrictions - Headstart programs prohibited from becoming involved in political activities or voter registration activities
H. R. 14516 Regula	Identical to H. R. 9983
H. R. 14520 Stratton 5/1/74 Interstate & Foreign Commerce	CAMPAIGN FINANCING - POLITICAL BROADCASTING - FREE BROADCAST TIME: - Radio, television, and community antenna television stations and networks required to provide free broadcast time to major party, minor party, and third party candidates for federal office - Allotment to be given candidate varies according to the office sought and the party represented by the candidate - News and public service program appearances are not attributed to free broadcast time
H. R. 14594 Kastenmeier 5/6/74 Judiciary	QUALIFICATIONS TO VOTE - CRIMINAL OFFENDERS: - Prohibits the denial of the right to vote in a Federal election to a citizen on the grounds that he has been convicted of a Federal offense unless he is confined at the time of the election or unless the crime is related to voting or elections
H. R. 14606 Vander Veer	Identical to H. R. 7612
00	CAMPAIGN FINANCING - CONTRIBUTIONS & EXPENDITURES - CAMPAIGN COMMITTEES: - Federal office candidates required to designate a political committee to serve as an election committee and no other political committee may receive contributions to the candidate or make expenditures on behalf of the candidate

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 14800 cont.	<ul style="list-style-type: none"> <li>- Each political party must designate one national, one Senate, and one House of Representatives campaign committee, in addition to one State committee for each State and one congressional committee for each congressional district</li> <li><b>LIMITATION ON AMOUNTS OF CONTRIBUTIONS:</b> <ul style="list-style-type: none"> <li>- \$1,000 - Individual contribution to a candidate or political committee for one election</li> <li>- \$5,000 - Contribution from person other than an individual to a candidate or political committee for one election</li> <li>- \$25,000 - Individual contribution to all candidate or political committees</li> </ul> </li> <li><b>LIMITATION ON AMOUNTS OF EXPENDITURES:</b> <ul style="list-style-type: none"> <li>- Primary:               <ul style="list-style-type: none"> <li>1. President - 12 cents per voting age person in United States</li> <li>2. Senator - 8 cents per voting age person in State</li> <li>3. Representative - 30 cents per voting age person in district</li> </ul> </li> <li>- General Election:               <ul style="list-style-type: none"> <li>1. President - 25 cents per voting age person in United States</li> <li>2. Senator - 16 cents per voting age person in State</li> <li>3. Representative - 50 cents per voting age person in district</li> </ul> </li> </ul> </li> <li><b>CASH CONTRIBUTIONS:</b> <ul style="list-style-type: none"> <li>- Limited to \$100 per year from one person</li> </ul> </li> <li><b>PUBLIC FINANCING - TAX DEDUCTION:</b> <ul style="list-style-type: none"> <li>- Increased from \$50 to \$100 per year</li> </ul> </li> <li><b>INCOME TAX AUDIT:</b> <ul style="list-style-type: none"> <li>- Returns of all Senators and Representatives as well as the President and Vice President will be audited</li> </ul> </li> <li><b>TIME TO VOTE - SIMULTANEOUS CLOSING OF POLLS:</b> <ul style="list-style-type: none"> <li>- 9:00 EST for all Federal offices</li> </ul> </li> <li><b>DAY FOR HOLDING ELECTIONS - HOLIDAY:</b> <ul style="list-style-type: none"> <li>- Election Day made national holiday</li> </ul> </li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
<p>H. R. 14841 Erlenborn 5/16/74 House Admini- stration</p>	<p>CAMPAIGN FINANCING - INDEPENDENT COMMISSION TO SUPERVISE ELECTIONS:</p> <ul style="list-style-type: none"> <li>- Federal Elections Commission established to replace Comptroller General in his present duties relating to candidate media expenditures; to supervise campaign disclosure requirements; and to report yearly to Congress and the President regarding action taken and recommendations for legislation</li> </ul> <p>CONTRIBUTIONS &amp; EXPENDITURES -</p> <p>CAMPAIGN COMMITTEES:</p> <ul style="list-style-type: none"> <li>- Each candidate must designate one political committee as a central campaign committee to receive all reports made by other committees</li> </ul> <p> earmarked CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Must identify the original contributor</li> </ul> <p>CONTRIBUTION LIMITATION:</p> <ul style="list-style-type: none"> <li>- \$2,500 - President</li> <li>- \$1,000 - Senator or Representative</li> <li>- No person, other than an individual, a political party committee or the Democratic and Republican Senatorial and Congressional Campaign Committees, may make contributions to Federal office candidates</li> </ul> <p>CASH CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Prohibited if over \$100</li> </ul>
<p>H. R. 14995 Hanrahan 5/23/74 House Admini- stration</p>	<p>CAMPAIGN FINANCING - INDEPENDENT COMMISSION TO SUPERVISE ELECTIONS:</p> <ul style="list-style-type: none"> <li>- Federal Elections Commission established to replace Comptroller General in his present duties relating to candidate media expenditures; to supervise campaign disclosure requirements; and to report yearly to Congress and the President regarding action taken and recommendations for legislation</li> </ul> <p>CONTRIBUTIONS &amp; EXPENDITURES -</p> <p>EXPENDITURE LIMITATION:</p> <ul style="list-style-type: none"> <li>- Congressional Candidate: annual salary for office sought plus \$10,000 per congressional district in area where general election is held</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 14995 cont.	<ul style="list-style-type: none"> <li>- Presidential Candidate: annual salary for office of President and Vice President plus \$10,000 per congressional district in United States in general election</li> <li>- 30% of above amounts in primary or premary runoff</li> <li>- If race between incumbent and non-incumbent, latter's limitation raised by 30%</li> <li>CONTRIBUTION LIMITATION:</li> <li>- \$500 - Personal contribution to a Federal office candidate per year</li> <li>CASH CONTRIBUTIONS:</li> <li>- Prohibits in United States or foreign currency</li> <li>CORPORATE &amp; LABOR UNION CONTRIBUTIONS:</li> <li>- Prohibits all contributions, including those in form of services to all Federal office candidates</li> <li>POLITICAL BROADCASTING - EXPENDITURE LIMITATION:</li> <li>- Repeals Campaign Communications Reform Act (Public Law 92-225; Title I)</li> <li>CANDIDATES - FINANCIAL DISCLOSURE BY:</li> <li>- Federal office holders and candidates must disclose their net worth and their gross income as reported on their income tax returns</li> <li>DAY FOR HOLDING PRIMARIES - DESIGNATE:</li> <li>- States must hold their Presidential primaries after May 1st of the Presidential election year and their congressional primaries after August 1st</li> <li>HOLIDAY:</li> <li>- Election day made holiday</li> </ul>
H. R. 15032 Aspin 5/29/74 Post Office & Civil Services	<p>GOVERNMENT EMPLOYEES - POLITICAL RECOMMENDATIONS:</p> <ul style="list-style-type: none"> <li>- Prohibits selection of census workers on the basis of political affiliation</li> </ul>
H. R. 15127 Erlenborn	Identical to H. R. 14841

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 15271 Dulski 6/6/74 House Admini- stration	<p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES:</p> <ul style="list-style-type: none"> <li>- Removes Hatch Act prohibition against executive employees making voluntary contributions to candidates</li> <li>- Gives executive employees the right to take an active part in political management or campaigns by organizing a political rally, distributing campaign literature, participating in a convention, etc.</li> </ul>
H. R. 15369 Erlenborn	Identical to H. R. 14841
H. R. 15412 Derwinski 6/17/74 House Admini- stration	<p>CAMPAIGN FINANCING - CONTRIBUTIONS &amp; EXPENDITURES - CONTRIBUTION LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- \$25,000 - Individual contribution to Presidential candidate</li> <li>- \$5,000 - Individual contribution to Senatorial candidate</li> <li>- \$2,000 - Individual contribution to candidate from organization and committees, except for certain political party committees, and the Democratic or Republican Senatorial or Congressional Campaign Committees</li> </ul> <p>EXPENDITURE LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- Senator - greater of;             <ol style="list-style-type: none"> <li>1. \$150,000; or</li> <li>2. 25 cents per voting age person in area where election held</li> </ol> </li> <li>- Representative - \$60,000</li> </ul> <p>NONRESIDENT ALIEN CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Prohibits contributions from nonresident aliens to Federal office candidates</li> </ul> <p>CASH CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Prohibits cash contributions in foreign currency if over \$100</li> </ul> <p>CAMPAIGN COMMITTEES &amp; DEPOSITORIES:</p> <ul style="list-style-type: none"> <li>- Requires every candidate to appoint an authorized campaign committee, which must designate a campaign depository into which all contributions to the candidate must be deposited</li> </ul> <p>DAY FOR HOLDING ELECTIONS &amp; PRIMARIES - ELECTIONS - HOLIDAY:</p> <ul style="list-style-type: none"> <li>- Makes Federal Election Day a holiday</li> </ul>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 15412 cont.	<p>PRIMARIES &amp; CONVENTIONS - DESIGNATE:</p> <ul style="list-style-type: none"> <li>- Must not be held prior to August of general election year for office involved</li> </ul>
<p>H. R. 15499 Young (Ill.) 6/19/74 House Admini- stration</p>	<p>CAMPAIGN FINANCING - INDEPENDENT COMMISSION TO SUPERVISE ELECTIONS:</p> <ul style="list-style-type: none"> <li>- Federal Elections Commission established with power to initiate and prosecute court actions to enforce laws relating to disclosure of campaign funds</li> </ul> <p>CONTRIBUTIONS &amp; EXPENDITURES - CAMPAIGN COMMITTEES &amp; DEPOSITORIES:</p> <ul style="list-style-type: none"> <li>- Candidate must designate a central campaign committee to receive other political committees</li> <li>- Candidate's political committees must designate a campaign depository into which all contributions must be deposited and from which all expenditures must be made by check</li> </ul> <p>REPORTING REQUIREMENTS:</p> <ul style="list-style-type: none"> <li>- Consideration given, if any, for extinguishing a debt owed by or to a political committee must be reported</li> </ul> <p>LIMITATION ON AMOUNTS OF EXPENDITURES:</p> <ul style="list-style-type: none"> <li>- Primary election             <ol style="list-style-type: none"> <li>1. \$50,000 - Representative</li> <li>2. 25 cents per person of voting age - Senator</li> </ol> </li> <li>- General election             <ol style="list-style-type: none"> <li>1. \$190,000 - representative, except incumbents who are limited to \$175,000</li> <li>2. 50 cents per person of voting age - Senator</li> </ol> </li> <li>- Federal office candidates in general election campaigns barred from making expenditures for use of broadcasting media before September 6 of the year of election</li> </ul> <p>LIMITATION ON AMOUNTS OF CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- \$3,000 - Congressional candidates in primary election</li> <li>- \$100,000 - Presidential candidates in primary or general election</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 15499 cont.	<p>CASH CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Individual limited to aggregate to \$50 in currency contributions to one candidate</li> </ul> <p>CORPORATIONS OR LABOR ORGANIZATION</p> <ul style="list-style-type: none"> <li>- Barred from soliciting political contributions from officers, employees or members</li> </ul> <p>POLITICAL BROADCASTING - REQUIRED TIME</p> <ul style="list-style-type: none"> <li>- Specific amounts of "voter's time" must be made available to Federal office candidate by broadcast stations</li> </ul> <p>PUBLIC FINANCING:</p> <ul style="list-style-type: none"> <li>- United States Government to pay cost of "voter's time" at a rate not exceeding the prevailing unit charge of the station for the same amount of program time in the same period</li> </ul>
H. R. 15500 Frenzel	Identical to H. R. 14631
H. R. 15648 Spence 6/26/74 House Admini- stration	<p>CAMPAIGN FINANCING - CONTRIBUTIONS &amp; EXPENDITURES - EXPENDITURE LIMITATION:</p> <ul style="list-style-type: none"> <li>- Federal office candidates in general election for all purposes, greater of - <ul style="list-style-type: none"> <li>1. 25 cents per voting age person in area where election held; or</li> <li>2. \$75,000</li> </ul> </li> <li>- Federal office candidates in general election for communications media, greater of - <ul style="list-style-type: none"> <li>1. 10 cents per voting age person in area where election held; or</li> <li>2. \$50,000; but</li> </ul> <p>Not more than 60% of the above amount can be spent for use of broad cast stations</p> </li> <li>- Congressional Candidates in Primary election limited to above amounts</li> <li>- Candidates for Presidential nomination limited to same amounts to which Senatorial candidates would be limited</li> </ul> <p>CONTRIBUTION LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- Individuals and political committees limited to: <ul style="list-style-type: none"> <li>1. \$25,000 - Presidential candidates</li> <li>2. \$5,000 - Congressional candidates</li> </ul> </li> </ul> <p>CASH CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Prohibited if over \$100</li> </ul> <p>CAMPAIGN COMMITTEES &amp; DEPOSITORIES:</p> <ul style="list-style-type: none"> <li>- Permits a candidate to name a political committee as his authorized committee</li> <li>- Political committees may make contributions only to an authorized committee</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 15648 cont.	<ul style="list-style-type: none"> <li>- Candidates must designate a central campaign depository for the deposit of all contributions or other moneys received</li> </ul> <p>REPORTING REQUIREMENTS:</p> <ul style="list-style-type: none"> <li>- Requires reporting each individual who provided more than forty hours of personal services without pay from the candidate</li> <li>- Consideration, if any, given for extinguishing a debt owed by or to a political committee must be reported</li> </ul> <p>INDEPENDENT COMMISSION TO SUPERVISE &amp; ENFORCE ELECTIONS:</p> <ul style="list-style-type: none"> <li>- Federal Elections Commission established with power to initiate and prosecute civil actions to enforce laws relating to disclosure of campaign funds and to prosecute violations involving elections and campaign activities if the Attorney General fails to obtain an indictment within 60 days after referral by the Commission</li> </ul> <p>TAX EXEMPTION:</p> <ul style="list-style-type: none"> <li>- Provides that corporations, trusts, and other organizations which have tax exempt status will lose such status if they engage in certain partisan political activity</li> </ul> <p>PUBLIC FINANCING - TAX CHECKOFF:</p> <ul style="list-style-type: none"> <li>- Permits the taxpayer to designate \$1 toward the reduction of public debt as an alternative to designating the money toward the Presidential Election Campaign Fund</li> </ul>
H. R. 15793 Frenzel 7/3/74 House Admini- stration	<p>CAMPAIGN FINANCING - CONTRIBUTIONS &amp; EXPENDITURES - CONTRIBUTION LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- \$1,000 - Contribution by an individual or person, including an organization, and certain political committees, to a candidate with respect to any federal election</li> <li>- \$5,000 - Contributions by a political committee which has received contributions from more than 50 persons, made contributions to five or more candidates, to a candidate with respect to any federal election, except in the case of a candidate's own authorized campaign committees</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H.R. 15793 cont.	<ul style="list-style-type: none"> <li>- \$25,000 - Aggregate political contributions by an individual during a calendar year</li> <li>EARMARKED CONTRIBUTIONS:</li> <li>- Original source to be reported and contribution considered as coming from the original source for contribution limitation purposes</li> <li>CONTRIBUTIONS IN THE NAME OF ANOTHER:</li> <li>- Making a contribution in the name of another, criminal offense</li> <li>CASH CONTRIBUTIONS:</li> <li>- \$100 limitation placed on cash contributions to federal office candidates</li> <li>FOREIGN NATIONAL CONTRIBUTIONS:</li> <li>- Contributions to federal office candidate from foreign national prohibited</li> <li>LIMITATIONS ON CONTRIBUTIONS FROM PERSONAL OR FAMILY FUNDS:</li> <li>- \$25,000 limit personal or family contributions to federal office candidates in primary or general election campaign</li> <li>GOVERNMENT CONTRACTOR CONTRIBUTIONS:</li> <li>- Corporations and labor unions which have U. S. government contracts permitted to make political contributions on the same basis as other similar organizations through segregated funds established according to 18 U.S.C. 610</li> <li>EXPENDITURE LIMITATIONS:</li> <li>- President: <ul style="list-style-type: none"> <li>\$10 million - Nomination for Election</li> <li>\$20 million - Election, if nominee of a political party</li> </ul> </li> <li>- Senate for primary or general election - greater of: <ul style="list-style-type: none"> <li>5 cents multiplied by population of area where election held; or</li> <li>\$75,000</li> </ul> </li> <li>- Representative for primary or general election - \$75,000</li> </ul> <p>Personal expenditure relative to a clearly identified candidate limited to \$1,000 per year, not including expenditure made by or on behalf of a candidate</p>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 15793 cont.	<ul style="list-style-type: none"> <li>- National and State committees of a political party may make expenditures, regardless of the above limitations for the party candidate as follows:               <ul style="list-style-type: none"> <li>a. Presidential candidate in general election campaign: 2 cents multiplied by the population of the United States</li> <li>b. Senatorial candidate in a general election campaign, greater of: one and one-half cents multiplied by the population of the State or \$20,000</li> <li>c. House of Representatives candidate in a general campaign: \$10,000</li> </ul> </li> </ul> <p>POLITICAL COMMITTEES:</p> <ul style="list-style-type: none"> <li>- Federal office candidate required to designate a political committee to serve as his campaign committee and to receive reports of other political committees for filing with the appropriate supervisory officer; only a central campaign committee may make expenditures on behalf of a candidate</li> <li>- Expenditure of \$1,000 or more by a Presidential or Vice Presidential nominee of a political party to be approved by the national committee of that party</li> </ul> <p>REPORTING REQUIREMENTS:</p> <ul style="list-style-type: none"> <li>- Various changes in campaign reporting requirements, such as amending dates for filing reports</li> </ul> <p>INDEPENDENT COMMISSION TO INVESTIGATE &amp; SUPERVISE ELECTIONS:</p> <ul style="list-style-type: none"> <li>- Federal Elections Commission established with power to refer to the Justice Department any apparent criminal violations, to prosecute civil actions, to enforce laws relating to disclosure of campaign funds, as well as elections and campaign financing violations</li> <li>- Replaces the Comptroller General in his functions relating to reporting requirements, etc.</li> <li>- Commission has duty to render advisory opinions respecting the legality of proposed activity upon request of a Federal officeholder, candidate or political committee</li> </ul> <p>HONORARIUM FOR FEDERAL EMPLOYEES &amp; OFFICE HOLDERS:</p> <ul style="list-style-type: none"> <li>- Elected or appointed Federal officer employees barred from accepting an honorarium of more than \$1,000 or from accepting honorariums aggregating more than \$10,000 per year</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 15795 Owens 7/3/74 House Admini- stration	GOVERNMENT EMPLOYEES - POLITICAL ACTI- VITIES - FEDERAL: - Removes certain Hatch Act prohibitions by per- mitting federal employees to join a political party and participating actively in its affairs while not on duty; to make political contribu- tions voluntarily; to run for local office; to serve as a delegate to a political convention; etc. - Changes the Civil Service Commission proce- dures for dealing with violations STATE & LOCAL: - Removes various Hatch Act prohibitions appli- cable to State and local employees by permit- ting certain political activity on off-duty hours, except for such activity as managing a cam- paign for a federal office candidate, soliciting or handling political contributions, etc.
H. R. 16000 Steelman 7/18/74 Judiciary	POLITICAL SURVEILLANCE - PROHIBIT: - Felony for civil officer or military member to conduct investigations into, maintain surveil- lance over or maintain records regarding the political activities or beliefs of any U. S. citi- zen - Makes any violators civilly liable for actual and punitive damages and permits class actions by anyone investigated
H. R. 16011 Mathias (Calif.) 7/18/74 House Admini- stration	CAMPAIGN FINANCING - INDEPENDENT COMMISS- SION TO INVESTIGATE & SUPERVISE ELECTIONS: - Federal Elections Commission established to re- place Comptroller General in his present duties relating to candidate media expenditures and to supervise campaign disclosure requirements - Commission to render advisory opinions to fed- eral officeholders, candidates and political com- mittees relating to whether any proposed activity would violate criminal campaign financing pro- visions CONTRIBUTIONS & EXPENDITURES: CAMPAIGN COMMITTEES: - Candidate required to designate a central cam- paign committee to receive reports of contri- butions and expenditures made by other com- mittees

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 16011 cont.	<p>EXPENDITURES LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- Primary Elections - greater of:               <ol style="list-style-type: none"> <li>1. 10 cents per voting age person in the area where election held; or</li> <li>2. \$125,000 for Senatorial candidates; or</li> <li>3. \$75,000 for House of Representatives candidate</li> </ol> </li> <li>- General Elections -               <ol style="list-style-type: none"> <li>1. 15 cents per voting age person in the area where election held; or</li> <li>2. \$175,000 for Senatorial candidates</li> <li>3. \$75,000 for House of Representative candidates</li> </ol> </li> <li>- Presidential candidates - Expenditures in a State limited to amount which Senatorial candidate allowed for either nomination or election campaign</li> </ul> <p>CONTRIBUTION LIMITATIONS:</p> <ul style="list-style-type: none"> <li>- \$2,500 - Contribution from person to congressional candidate</li> <li>- \$5,000 - Contribution from person to Presidential candidate</li> <li>- Expenditures by a person on behalf of a candidate limited to same amounts as contributions</li> <li>- Limitations do not apply to candidate's central campaign committee, State campaign committee or Republican or Democratic Senatorial or Congressional Committee</li> </ul> <p>CASH CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Prohibited is over \$50</li> </ul>
H. R. 16090 Hays 7/24/74 House Admini- stration See S. 3044, Pub. L. 93-443	<p style="text-align: center;">ACTION</p> <p>7/30/74 - Reported from Comm., H. Rept. 93-1239</p> <p>8/8/74 - Passed House and tabled; text of S. 3044 as it passed the Senate was stricken and text of H. R. 16090 was inserted in lieu thereof</p> <hr/> <p>The following is a summary of the House passed version of S. 3044, which was enacted as Pub. L. 93-443. For the Senate passed version, see S. 3044</p>

CAMPAIGN FINANCING - CONTRIBUTIONS & EXPENDITURES

Contribution Limitations:

1. \$1,000 - Contribution by a person including an individual, organization, and certain political committees, to a candidate with respect to any federal election
2. \$5,000 - Contributions by a political committee which has made contributions to five or more candidates, to a candidate with respect to any federal election, except in the case of a candidate's principal campaign committee
3. \$25,000 - Aggregate political contributions by an individual during a calendar year

Earmarked Contributions:

Would require original source to be reported and contribution would be considered as coming from the original source for contribution limitation purposes

Contributions in the Name of Another:

Making a contribution in the name of another would constitute a criminal offense

Cash Contributions:

\$100 limitation would be placed on cash contributions to federal office candidates

Foreign National Contributions:

Contributions to federal office candidate from foreign nationals would be prohibited

Limitations on Contributions from Personal or Family Funds

\$25,000 limit would be placed on personal or family contributions to federal office candidates primary or general election campaign

Government Contractor Contributions:

Corporations and labor unions which have U. S. government contracts would be permitted to make political contributions on the same basis as other similar organizations through segregated funds established according to 18 U. S. C. 610



Expenditure Limitations:

1. President:
  - a. \$10 million - Nomination for Election
  - b. \$20 million - Election
2. Senate for primary or general election - greater of:
  - a. 5 cents multiplied by population of area where election held; or
  - b. \$75,000
3. Representative for primary or general election - \$60,000
4. Personal expenditure relative to a clearly identified candidate would be limited to \$1,000 per year, not including expenditure made by or on behalf of a candidate

Political Committees:

Federal office candidate would be required to designate a political committee to serve as his principal campaign committee and to receive reports of other political committees for filing with the appropriate supervisory officer

Reporting Requirements:

Would make various changes in campaign reporting requirements, such as amending dates for filing reports

## INDEPENDENT COMMITTEE TO INVESTIGATE ELECTIONS

Board of Supervisory Offices:

Would establish Board of Supervisory Officers, to be composed of the Clerk of the House and the Secretary of the Senate both serving without the right to vote, plus four additional individuals, two appointed by the President of the Senate, and two appointed by the Clerk of the House.

Board would have power to formulate policy with respect to the administration of the criminal campaign financing provisions and other campaign financing laws; and to conduct investigations and report apparent violations to law enforcement authorities.

Board would render advisory opinions on whether proposed activity by a candidate or committee would violate the law.

Judicial Construction of Law:

Would authorize the Board, the supervisory officers, the national committee of any political party, and any person eligible to vote for President to institute judicial action in the U.S. District Court to implement or construe any provisions relating to campaign communications, campaign disclosure, and campaign financing crimes. Constitutional questions would be certified immediately to the appropriate Court of Appeals.

EFFECT ON STATE LAW

Provides that provisions of the Federal Election Campaign Act preempt State law relating to election to federal office.

VIOLATIONS OF FINANCING DISCLOSURE LAWS

Statute of Limitations:

Would bar prosecution of violations relating to Title I and III of the Federal Election Campaign Act and to sections 608, 610, 611, 613, 614, 615 or 616 of Title 18 after three years from the date of the violation.

Disqualification as Candidate:

Where the Board makes a finding that a person failed to file a campaign disclosure report and the statute of limitations has not run on that offense, such person would be disqualified from being a candidate for a period beginning at the date of the Board finding and ending one year after the expiration of the term of office for which such person was a candidate.

GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES:

Would amend provisions of the Hatch Act dealing with state and local employees by removing the prohibition against taking an active part in political management or campaign and replacing it with a prohibition against being a candidate for elective office in a partisan election.

BROADCASTING - POLITICAL - EXPENDITURES LIMITATIONS

repeal present media expenditure limitations

FUND FOR FEDERAL EMPLOYEES & OFFICE HOLIDAYS

Congress and Federal employees would be barred from honorarium of more than \$1,000 or from accepting aggregating more than \$10,000 per year

## PUBLIC FINANCING

### Presidential Nominating Conventions:

Would grant payments from the U.S. Treasury to the national committee of each major and minor party to be used to defray expenses incurred by the national committee with respect to a presidential nominating convention. Major party national committees would be entitled to receive as much as \$2 million, while minor party national committees would receive a smaller amount based on the number of votes received by the party candidate in the last general election. Committee expenditures would be limited to the amount of the committee's public fund entitlement.

### Presidential Primaries:

Would establish a Presidential Primary Matching Payment Account in the Treasury.

In order to be eligible to receive public funding, a candidate would have to make certain agreements relating to record keeping, auditing, contribution and expenditure limitations, etc., and candidate would be required to certify that he has received minimum contributions of \$5,000 from residents of at least 20 States, with no contribution from any person exceeding \$250.

Candidate would be entitled to matching payments from the Fund in an amount equal to contributions of \$250 or less, received during the year of the Presidential election and the preceding year. The Comptroller General would certify payments from the Fund.

\* NOTE: On August 8, 1974, H.R. 16090 passed the House and was tabled; the text of S. 3044 as it passed the Senate was then vacated by the House and the text of H. R. 16090 was inserted in lieu thereof.

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 16128 Wyrie 6/25/74 House Admini- stration	<p>INDEPENDENT COMMITTEE TO SUPERVISE &amp; ENFORCE ELECTION LAWS:</p> <ul style="list-style-type: none"> <li>- Federal Elections Commission established with the power to refer criminal election and campaign financing violations to the Attorney General, to initiate and prosecute civil actions relating to enforcement of those provisions, including petitioning the courts for declaratory or injunctive relief</li> <li>- Commission to replace the Comptroller General, the Secretary of the Senate and the Clerk of the House as recipient of campaign disclosure reports</li> </ul>
H. R. 16195 Steelman 7/31/74 Judiciary	<p>CANDIDATE - FINANCIAL DISCLOSURE BY:</p> <ul style="list-style-type: none"> <li>- Requires federal office candidates, Members of Congress, the President and Vice President, and federal employees earning \$32,000 or more per year or of the GS-16 level to disclose the following regarding the preceding year: the amount of tax paid, the amount and source of each item of income or gift exceeding \$100; the identity of each asset exceeding \$1,000; any transaction in securities or commodities exceeding \$1,000 and any purchase or sale of real property exceeding \$1,000</li> </ul>
H. R. 16234 Koch 8/1/74 House Admini- stration	<p>GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - FEDERAL:</p> <ul style="list-style-type: none"> <li>- Removes present Hatch Act prohibitions by permitting Federal employees to take an active part in political management or political campaigns</li> <li>- Political contributions by Federal employees prohibited</li> </ul>
H. R. 16235 Koch	Identical to H. R. 16234

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 16250 Steelman 8/2/74 Judiciary	<p>CANDIDATES - FINANCIAL DISCLOSURE BY:</p> <ul style="list-style-type: none"> <li>- Requires federal office candidates, Members of Congress, the President, the Vice President, and federal employees earning more than \$32,000 per year or at GS-16 level to disclose the following regarding the preceeding year: the amount of tax paid; the amount and source of each item of income, gift or reimbursement; the identity of each asset exceeding \$1,000; any transaction in securities or commodities exceeding \$1,000; and any purchase or sale of real property exceeding \$1,000</li> </ul>
H. R. 16349 Maraziti	Identical to H. R. 16128
H. R. 16712 Daniels 9/18/74 Judiciary	<p>CAMPAIGN FINANCING - POSTAGE RATES:</p> <ul style="list-style-type: none"> <li>- Permits campaign literature to be mailed free of postage</li> </ul>
H. R. 16815 Danielson 9/24/74 Judiciary	<p>CAMPAIGN FINANCING - CORPORATE &amp; LABOR CONTRIBUTIONS:</p> <ul style="list-style-type: none"> <li>- Imposes fine equal to the amount of contribution made in violation of federal criminal prohibition relating to corporate and labor union contributions in 18 U. S. C. §610</li> </ul>
H. R. 16817 Dent 9/24/74 House Education	<p>ABSENTEE BALLOTS OVERSEAS CITIZENS:</p> <ul style="list-style-type: none"> <li>- Citizen residing overseas not to be denied the right to vote by absentee ballot in Federal elections in any State if he was domiciled in that state prior to his departure, if he is otherwise qualified to vote by absentee ballot and if he has a valid passport or card of identity</li> <li>- Each State and election district directed to provide appropriate procedures for voting by absentee ballot and registration of overseas citizens who apply not later than 30 days before an election</li> <li>- Post card registration permitted for overseas citizens</li> <li>- Criminal penalties provided for violation of this Act</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 16854 Culman	Identical to H. R. 15271
H. R. 16869 Danielson 9/25/74 House Administration	CAMPAIGN FINANCING - GOVERNMENT CONTRACTOR CONTRIBUTIONS: - Imposes fine equal to amount of contribution made in violation of federal prohibition relating to government contractor contributions in 18 U.S.C. §611
H. R. 17445 Peyser 11/18/74 Judiciary	DAY FOR HOLDING ELECTIONS - HOLIDAY: - Election day made national holiday
H. R. 17488 Mills 12/21/74 Ways & Means	ACTION <u>HOUSE: Reported from Com., H. Rept. 93-1502</u> <u>CAMPAIGN FINANCING - POLITICAL ORGANIZATIONS - TAXATION:</u> - Tax imposed on political organizations' income from investments, appreciated property, and business activities by requiring that such organizations pay tax on income other than that (1) acquired through political contributions or political funds using activities and (2) used to influence the outcome of an election - Tax exempt organizations (other than political organizations) which expend amounts to influence elections must pay tax on such amounts in a similar manner as a political organization - Fund established by a candidate or officeholder for use in preparing and distributing newsletters shall be taxed in the same way as a political organization <u>PUBLIC FINANCING - TAX DEDUCTION &amp; CREDIT:</u> - Makes existing credit and deduction provisions available for contributions for newsletter - Tax credit increased from \$12.50 per year to \$25 - Tax deduction increased from \$50 per year to \$100

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. R. 17488 cont.	<p>CONTRIBUTIONS - INCOME TAXATION:</p> <ul style="list-style-type: none"> <li>- Where a person transfers property to a political organization and the fair market value of that property exceeds its adjusted basis, the transferor must pay tax on the amount he would gained had he sold the property</li> </ul> <p>GIFT TAXATION:</p> <ul style="list-style-type: none"> <li>- Gift tax not applicable to contributions to political organizations</li> </ul>

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. Res. 279* O'Neill 3/7/73 Rules	ACTION
	<p data-bbox="377 190 919 228">HOUSE: 3/13/73 - Reported from Com. H. Rept. 93-94</p> <p data-bbox="480 234 739 253">3/15/73 - Passed House</p> <p data-bbox="377 255 860 293">CAMPAIGN FINANCING - CONGRESSIONAL COMMITTEE TO INVESTIGATE ELECTIONS:</p> <p data-bbox="377 299 947 1147">- Special committee of five members created from 3/1/73 to 6/6/73 to be appointed by the Speaker of the House of Representatives, to investigate and report to the House not later than June 15, 1973, with respect to the following matters: (1) the extent and nature of expenditures made by all candidates for the House of Representatives in connection with their campaign for nomination and election to such office; (2) the amount subscribed, contributed, or expended, and the value of services rendered, and facilities made available (including personal services, use of advertising space, radio and television time, communications media, office space, moving picture films, and automobile and any other transportation facilities) by any individual, individuals, or group of individuals, committee, partnership, corporation, or labor union, to or on behalf of each such candidate in connection with any such campaign or for the purpose of influencing the votes cast or to be cast at any convention or election held in 1972 and during the period from March 1, 1973, through June 6, 1973, to which a candidate for the House of Representatives is to be nominated or elected; (3) the use of any other means or influence (including the promise, or use of patronage) for the purpose of aiding or influencing the nomination or election of any such candidate; (4) the amounts, if any, raised, contributed, expended by any individual, individuals, or group of individuals, committee, partnership, corporation, or labor union, including any political committee thereof, in connection with any such election, and the amounts received by any political committee from any corporation, labor union, individual, individuals, or group of individuals, committee, or partnership; (5) the violations, if any, or specified statutes of the United States; and (6) such other matters relating to the election of Members</p>



BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. J. Res. 279 cont.	<p>of the House of Representatives in 1972 and during the period from March 1, 1973, through June 6, 1973, and the campaigns of candidates in connection therewith, as the committee deems to be of public interest, and which, in its opinion, will aid the House of Representatives in enacting remedial legislation, or in deciding contests that may be instituted involving the right to a seat in the House of Representatives</p> <ul style="list-style-type: none"> <li>- Committee directed to file interim reports whenever in the judgment of the majority of the committee, or of the subcommittee conducting portions of said investigation, the public interest will be best served by filing interim reports, and in no event shall the final report of said committee be filed later than June 15, 1973</li> </ul>
H. J. Res. 880 Bingham 1/28/74 Judiciary	<p>PRESIDENT &amp; VICE PRESIDENT - QUALIFICATIONS:</p> <ul style="list-style-type: none"> <li>- Makes citizens who are not natural born eligible to serve as President</li> </ul>
H. J. Res. 890 Bingham	Identical to H. J. Res. 880
H. J. Res. 896 Bingham	Identical to H. J. Res. 880
H. J. Res. 903 Reuss 2/14/74 Judiciary	<p>PRESIDENT &amp; VICE PRESIDENT - VOTE OF NO CONFIDENCE:</p> <ul style="list-style-type: none"> <li>- President to be removed from office upon the adoption of a resolution of no confidence by the House of Representatives</li> <li>- Vice President to assume duties of President after removal and if there is more than one year left in the Presidential term, a special Presidential election is to be held</li> </ul>
H. J. Res. 915 Dingell	Identical to H. J. Res. 903

BILL NUMBER, SPONSOR, DATE, AND COMMITTEE	MAJOR PROVISIONS
H. J. Res. 1051 Seiberling 8/5/74 Judiciary	CANDIDATES - QUALIFICATIONS - PRESIDENTIAL: - Specifies that a citizen shall not be ineligible to hold the office of President because he is not natural born
H. J. Res. 1111 Ruess 8/15/74 Judiciary	PRESIDENT, VICE PRESIDENT, & MEMBERS OF CONGRESS - SPECIAL ELECTION - VOTE OF NO CONFIDENCE: - Upon a vote of no confidence by Congress, a special election to choose Presidential electors, Representatives and Senators will be held
H. J. Res. 1113 Eilbery 8/20/74 Judiciary	VICE PRESIDENT- SPECIAL ELECTION - VACANCY: - When Vice President assumes Presidency under the 25th Amendment, an election will be held to fill the Vice Presidential vacancy
H. J. Res. 1154 Brinkley 10/3/74 Judiciary	PRESIDENT & VICE PRESIDENT - SPECIAL ELECTION - VACANCY: - In case of a vacancy in the office of Vice President, the President shall nominate a Vice President who will take office upon being approved by a majority of the combined voters of the States and other places entitled to select Presidential electors
H. J. Res. 1165 Mink 10/16/74 Judiciary	PRESIDENT & VICE PRESIDENT - SPECIAL ELECTION - VACANCY: - In the case of removal, death, resignation or inability of both the President and Vice President when there is one year or more remaining in the term, Presidential and Vice Presidential electors are to be chosen in each state to select successors

A. SUPREME COURT DOCKET 1973 - 1974 TERM -  
ELECTION CASES

1. Adams County Board of Supervisors v. Howard, docket number 73-723, ruling below 480 F. 2d 978 (C.A. 5, 1973). Certiorari denied 3/18/74.

Apportionment - Redistricting & county supervisors' districts - Due process.

2. Anderson v. United States, docket number 73-346, ruling below C.A. 4 (6/23/73). Certiorari granted 12/11/73. Argued 3/19/74. Affirmed 6/3/74.

Election offenses - Fraud - Civil rights.

3. American Party of Texas v. Bullock, docket number 72-887, probable jurisdiction noted, ruling below, 349 F. Supp. 1272 (W.D. Tex. 1972). Probable jurisdiction argued 11/5/73. Affirmed in part, vacated and remanded in part 3/26/74.

The Court held that Texas Election Code, Article 13.45 (2), which requires political parties to evidence support by at least 1% of the total gubernatorial vote at the last preceding general election in order to nominate candidates by precinct conventions, did not contravene the First and Fourteenth Amendments and is in furtherance of a compelling state interest.

Political parties - Candidates - State general election certification requirements - Alleged discrimination against minority parties and independent candidates - Right of free association and liberty - Due process and equal protection.

4. Board of Education of Tri Valley Central School v. Board of Cooperative Educational Services, docket number 72-1630, ruling below N.Y. Ct. App. (2/7/73). Appeal dismissed 11/8/73.

One man one vote principle - Equal protection.

5. Brown v. Apodaca, docket number 71-1512, ruling below N.M. Sup. Ct., 4/13/72. Certiorari denied 4/15/74.

Primaries - Constitutionality of state requirement that candidates pay fee of 6percent of first year's salary - Intervention - Standing.

SUPREME COURT DOCKET CONT'D

6. Burger v. Judge, docket number 73-498, ruling below U. S. D. C. Mont. 9/27/73. Judgment affirmed 12/4/73.

Voting Rights Act of 1965 - Validity of new state constitution - Approval by majority of directors.

7. Bush v. Sebesta, docket number 72-455, ruling below U.S. D. C. M.D. Fla., 7/11/72. Judgment vacated 4/15/74 and case is remanded in light of Lubin v. Panish, 415 U.S. 709 (1974), Storer v. Brown, 415 U.S. 724 (1974), and American Party of Texas v. White, 415 U.S. 767 (1974).

Candidates - Constitutionality of state filing-fee requirement.

8. Campbell v. Oregon, docket number 72-1586, ruling below 506 P. 2d 163 (Or. Sup. Ct. 1972). Appeal dismissed 10/9/73.

Referendums - State ban on expenditure of money for purpose of securing voters' signatures - Constitutionality.

9. Canales v. Alviso City, docket number 73-1109, ruling below Calif. Ct. App. 1st App. Dist., 8/21/73. Review denied 4/15/74.

Election Offenses - Fraud - Illegal offers of consideration to voters.

10. Capers v. Cuyahoga City, docket number 72-1404, ruling below C. A. 6, 1/17/73. Certiorari denied 5/28/74.

Candidates - Nominating Petitions - Filing date.

11. Cherry v. Smith, docket number 73-1298, ruling below C.A. 7 (11/27/73). Certiorari denied 5/28/74.

Candidates - Discrimination - Civil Rights.

12. Chimento v. Stark, docket number 72-1535, ruling below 353 F. Supp. 1211 (D. N.H. 1973). Judgment affirmed 10/9/73.

Candidates - Seven-year residency requirement as condition of eligibility for office of state governor - Constitutionality.

SUPREME COURT DOCKET CONT'D

13. Christian Echoes National Ministry v. United States, docket number 72-1378, ruling below 470 F. 2d 849 (C. A. 10, 1973). Certiorari denied 10/9/73.

Tax exempt organizations - Religious organizations - Alleged attempts to influence legislation - Free Exercise Clause - Articles attempting to influence legislation by appeals to the public to react to certain issues and intervene in political campaigns by use of its publications and broadcasts to attack candidates and incumbents who are considered to be too liberal.

14. Clark v. Whatley, docket number 73-835, ruling below, 482 F. 2d 1230 (C.A.5, 1973). Certiorari denied 2/19/74.

Residence - Students - Equal protection.

15. Communist Party v. Austin, docket number 73-893, ruling below U.S.D.C. E.D. Mich. Judgment vacated 4/15/74 and case is remanded in light of American Party of Texas v. White, 415 U.S. 724 (1974).

Political Parties - Discrimination - Automatic ballot status.

16. Dillenburg v. Kramer, docket number 73-499, ruling below U.S. D.C. Wash. Affirmed 6/24/74.

Qualifications to vote - Ex-felons.

17. Fields v. Askew, docket number 73-668, ruling below 279 So. 2d, 822 (Fla. Sup. Ct., 1973). Appeal dismissed 2/19/74.

Registration - Loyalty oath requirement - Denial of Equal protection.

SUPREME COURT DOCKET CCNT<sup>ND</sup>

18. Fifth Avenue Peace Parade Committee v. Kelley, docket number 73-741, ruling below 480 F.2d 326 (C.A. 8) 1973. Certiorari denied 2/25/74.

First Amendment - Constitutionally protected political activities.

19. Fowler v. Culbertson, docket number 72-193, ruling below, U.S.D.C. S.C. 8/2/72. Judgment vacated 4/15/74 and case is remanded in light of Lubin v. Panish, 415 U.S. 709 (1974).

Primaries - Filing fees - Federal courts and procedure - Three-judge courts - Constitutionality of South Carolina filing fee system for primary elections.

20. Franklin v. Krause, docket number 73-1007, ruling below 32 N.Y. 2d 234, 344 N.Y. 2d 885, 298 N.E. 2d 534 (N.Y. Ct. App.). Appeal dismissed 2/19/74.

Apportionment - Discrimination - Weighted voting.

21. Fritz v. Gorton, docket number 73-1484, ruling below, 83 Wash. 2d 275, 517 P.2d 911 (Wash. Sup. Ct. 1974). Appeal dismissed for want of a substantial federal question 5/28/74.

Lobbying - Reporting Requirements - First Amendment

22. Frommshagen v. Brown, docket number 72-6050, ruling below U.S.D.C. N.D. Calif. 9/8/72. Argued 11/5/73. Affirmed in part and vacated and remanded in part 3/26/74.

Candidates - Alleged state discrimination against independent candidates.

23. Hainsworth v. Bullock, docket number 72-942, probable jurisdiction noted, ruling below, U.S.D.C. W.D. Tex. 8/19/72. Probable jurisdiction argued 11/5/73. Affirmed in part and vacated and remanded in part 3/26/74.

Candidates - State requirements for getting name on general elections ballot - Alleged discrimination against independent candidates.

SUPREME COURT DOCKET CONT'D

24. Howard v. Adams County Board of Supervisors, docket number 73-770, ruling below 480 F. 2d 978 (C.A. 5, 1973). Certiorari denied 3/18/74.

Apportionment - Redistricting - Racial discrimination.

25. Human Rights Party of Washtenaw County v. Michigan Secretary of State, docket number 73-534, ruling below U.S.D.C. E.D. Mich., 5/11/73, Judgment Affirmed 12/4/73.

Candidates - School board of elections - Age requirements.

26. Indiana Communist Party v. Whitcomb, docket number 72-1040, jurisdiction postponed, ruling below, U.S.D.C. N.D. Ind. 9/28/72. Argued 10/16/73. Decided 1/9/74, reversed District Court and held that the loyalty oath requirement of the Indiana statute violated the First and Fourteenth Amendments.

Political parties - Constitutionality of state loyalty requirement.

27. Kerns v. Jordon, docket number 73-920, ruling below C.A. 6. Certiorari denied 2/19/74.

Class Actions - Injunctions - Apportionment.

28. Konigsberg v. Nixon, docket number 73-1463, ruling below C.A. 9 (3/11/74). Certiorari Denied 6/3/74.

Presidential election - Challenge on grounds of alleged fraud - Political questions.

29. Kyser v. Board of Elections of Cuyahoga City, docket number 73-1140, ruling below 291 N.E. 2d 775, 33 Ohio App. 2d 52 (1972) (Ohio Sup. Ct. 10/24/73). Appeal dismissed 3/18/74.

Residence requirements - Post office box.

SUPREME COURT DOCKET CONT'D

30. Lehman v. City of Shaker Heights, docket number 73-328, ruling below, 34 Ohio St. 2d 143, 296 N.E. 2d 683 (Ohio Sup. Ct.). Certiorari granted 11/12/73. Oral argument 2/26-27/74. Affirmed 6/25/74.

The United States Supreme Court held that a municipality's refusal to make available to a candidate advertising space on vehicles of a city transit system did not violate the candidate's free speech or equal protection rights.

Political Advertisements - Municipality's refusal to accept advertisements in its owned and operated rapid transit vehicles.

31. Lubin v. Allison, (now Panish), docket number 71-6852, ruling below, CalH. Sup. Ct. 3/22/73. Certiorari granted. Probable jurisdiction argued 10/8/73. Reversed and remanded 3/26/74.

The Court held that, absent reasonable alternative means of ballot access, a State may not, consistent with constitutional standard, require from an indigent candidate filing fees that he cannot pay.

Candidates - Filing-fee requirements - Equal protection.

32. Manning v. Gilligan, docket number 73-453, ruling below U.S. D.C. N.D. Ohio 10/4/73. Appeal dismissed 12/4/73.

Apportionment and Redistricting - State Legislature.

33. Miami Herald Publishing Co. v. Tornillo, docket number, 73-797, ruling below Fla. Sup. Ct. Probable jurisdiction, postponed 1/15/74. Argued 4/17/74. Reversed 6/25/74.

The United States Supreme Court held that the Florida "right to reply" statute violated the First Amendment's guarantee of a free press.

Candidates - Newspaper criticism - "Right To Reply" statute - Freedom of the press

34. Miller v. Brown, docket number 73-808, C.A. 6, Certiorari denied 1/22/74. Rehearing denied 3/4/74.

Amendment - Presidential Tenure - Constitutionality.



SUPREME COURT DOCKET CONT'D

35. Minyard v. Shirley, docket number 73-860, ruling below Ariz. Sup. Ct. 513 P.2d 939. Review denied 2/19/74.

Candidates - Discrimination - Indian residing on reservation.

36. New Haven Housing Authority v. Dorsey, docket number 72-1680, ruling below, Conn. Sup. Ct. 34 Conn. L.J. No. 31 p.1. Certiorari denied 11/20/73.

Conflict of interest - Eligibility of tenant to hold office for federally subsidized state housing commissioner- Federal preemption 42 U. S. C. §1401.

37. Norvell v. Apodaca, docket number 71-1511, ruling below, N.M.S. Ct. sub. nom. New Mexico v. Fiorina, April 18, 1972. Judgment vacated 4/15/74 and case is remanded in light of Lubin v. Panish, 415 U.S. 709 (1974).

Primaries - Constitutionality of state requirement that candidates pay fee of 6 percent of first year's salary.

38. O'Brien v. Skinner, docket number 72-1058, ruling below, 31 N.Y. 2d 317 (Ct. App. 1972). Probable jurisdiction argued 11/5/73. Reversed and remanded 1/16/74.

Discrimination - Absentee registration and balloting - Inability to vote or register because of confinement in penal institution.

SUPREME COURT DOCKET CONT'D

39. Pirincin v. Board of Elections of Cuyahoga City, docket number 73-320, ruling below U.S.D.C. N.D. Ohio 5/29/73. Judgment vacated 11/6/73.

Discrimination - Selection of county election board members.

40. Potter v. State Personnel Board of Review, docket number 73-87, ruling below, Ohio Sup. Ct., 42 L.W. 3063. Certiorari denied 10/9/73.

Government personnel - Political activity.

41. Prince George's County v. Maryland - National Capital Park And Planning Comm., docket number 73-514, ruling below 308 A.2d 223 (Md. Ct. App.). Certiorari denied 12/4/73.

County's right to direct elective franchise through local initiative and referendum.

42. Richardson v. Ramirez, docket number 72-1589, ruling below, 9 Calif. 3d 199 (Calif. Sup. Ct. 1973), 41 L.W. 2530, Certiorari granted 10/9/73. Argued 1/15/74. Reversed 6/24/74.

The United States Supreme Court held that the disenfranchisement of convicted felons, who have completed their sentences and paroles, does not violate the equal protection clause.

Discrimination-State's disenfranchisement of persons convicted of "infamous crimes" - California constitutional provisions that disenfranchise all persons convicted of infamous crimes as applied to ex-felons whose terms of incarceration and parole have expired.

43. Simmons v. Gorton, docket number 73-1483, ruling below, 83 Wash. 2d 275, 57 P.2d 911 (Wash. Sup. Ct. 1974). Appeal dismissed for want of a substantial federal question 5/28/74.

Candidates - Compulsory disclosure of assets - Right of privacy.

SUPREME COURT DOCKET CONT'D

44. Staats v. American Civil Liberties Union, docket number 73-1413, ruling below, American Civil Liberties Union v. W. Pat Jennings, (D.D.C. 1974) 366 F. Supp. 1041. Review Granted 6/10/74.

Federal Election Campaign Act - Constitutionality - Freedom of Speech.

45. Storer v. Brown, docket number 72-812, probable jurisdiction noted, ruling below, U.S.D.C. N.D. Calif. 9/8/72. Argued 11/5/73. Affirmed in part, vacated and remanded in part 3/26/74.

The Court held that §6830(d) of the California Election Code forbidding ballot position to independent candidates affiliated with a political party one year preceding the primary election was not unconstitutional and the appellants were properly barred from the ballot.

Candidates - Alleged state discrimination against independent candidates.

46. Wallace v. Sims, docket number 73-961, ruling below U.S.D.C. M.D. Ala. (8/3/73). Judgment affirmed 2/19/74.

Reapportionment - Alabama legislature.

47. Whitson v. Agnew, docket number 73-28. Denied 10/9/73

Original petition for quo warranto - Validity of election.

JUDICIAL DECISIONS

B. SUPREME COURT DOCKET 1974 - 1975 TERM -  
ELECTION CASES

1. Barnett v. Gordon, docket number 74-200, ruling below Ohio Sup. Ct. 8/29/74. Dismissed for want of a substantial federal question, 11/11/74.

Elections - Equal protection - Removal of incumbent city manager

2. Bates v. Edwards, docket number 74-420, ruling below La. Sup. Ct. 10/15/74.

Delegates to Louisiana Constitutional Convention - "One-man, one-vote" rule

3. Beer v. United States, docket number 73-1869, ruling below U.S.D.C. Dist. Col. 3/15/74. Jurisdiction noted 10/15/74.

Redistricting - Discrimination - Voting Rights Act of 1965 - Applicability

4. Buck v. Impeach Nixon Committee, docket number 73-2047, ruling below C.A. 7, 7/19/74. Granted 10/31/74 and case is remanded to Court of Appeals for reconsideration in light of Lehman v. City of Shaker Heights, 418 U.S. \_\_\_\_ (1974).

Political advertising - Public transit - First Amendment

5. Calvert v. State Administrative Board of Election Laws, docket number 74-825, ruling below Maryland Court of Appeals, 11/21/74.

Discrimination - Maryland legislative districting plan

6. Cassidy v. Willis, docket number 74-471, ruling below 323 A.2d 598 (Del. Sup. Ct. 10/2/74). Judgment Affirmed 12/9/74.

Candidates - Filing Fees - Equal Protection

7. Cerezo v. Buro, docket number 74-413, ruling below PR Sup. Ct. 11/10/74.

Candidates - Equal Protection - Freedom of association

8. Chapman v. Meier, docket number 73-1406, ruling below U.S. D.C. N.D. Review granted 4/29/74.

Apportionment - Equal Protection

SUPREME COURT DOCKET CONT'D

9. City of Richmond, Virginia v. United States, docket number 74-201, ruling below 376 F. Supp. 1344 (D. D.C., 5/29/74). Probable Jurisdiction Noted 12/16/74.

Voting Rights Act of 1965 - Annexation

10. Cort v. Ash, docket number 73-1908, ruling below C.A. 3, 42 L.W. 2559. Certiorari granted 11/11/74.

Corrupt Practices Act - Partisan Corporate Expenditures - Standing

11. Cousins v. Wigoda, docket number 73-1106, ruling below 14 Ill. App. 3d 480, 301 N.E. 2d 614 (Ill. App. Ct.). Certiorari granted 3/4/74. Reversed 1/15/65.

Political Parties - Election of delegates to national convention

12. East Carroll Parish School Board v. Marshall, docket number 73-881, ruling below \_\_\_\_ F.2d \_\_\_\_ (C.A. 5, 1972) (42 L.W. 2171).

Apportionment - County at-large election - Discrimination

13. Education/Instruction, Inc. v. Moore, docket number 74-598, ruling below C.A. 2, 11/15/74.

Discrimination - Applicability of One-Man, One-Vote Rule to Regional Planning Agencies

14. Harris Commissioners Court v. Moore, docket number 73-1475, ruling below, U.S.D.C. S.D. Tex. (1/30/74).

Redistricting of justice of peace districts - Discrimination

15. Hill v. Printing Industries of the Gulf Coast, docket number 74-456, ruling below U.S.D.C. S.D. Tex. 8/20/74.

Campaign Reporting and Disclosure Requirement - Constitutionality

16. Hill v. Stone, docket number 73-1723, ruling below U.S.D.C. N.D. Tex. Jurisdiction noted 10/15/74.

Qualifications to Vote - Property Ownership

SUPREME COURT DOCKET CCNT'D

17. Hoogasian v. Regional Transportation Authority, docket number 74-315, ruling below Ill. Sup. Ct. 9/20/74. Dismissed for want of a substantial federal question, 11/11/74.

Referendums - Constitutionality of proposition contained in ballot - vagueness

18. In Re Legislative Districting of State, docket number 73-1900, ruling below Md. Ct. App., 271 Md. 320. Certiorari denied 10/15/74.

Apportionment - Legislative Districting - Equal Protection

19. Kanapaux v. Ellison, docket number 74-377, ruling below U.S. D. C. S. C. 10/4/74. Judgment affirmed 10/21/74.

Candidates - Constitutionality of South Carolina's five-year residency requirement

The U. S. Supreme Court affirmed a ruling that Charles D. Ravenel was ineligible to become the candidate for governor of South Carolina because he had not lived in the State for 5 years.

20. Jewell v. Docking, docket number 74-552, ruling below U. S. D. C. Kansas 11/7/74.

Apportionment - Discrimination - Racial gerrymandering

21. McCain v. Lybrand, docket number 74-278, ruling below C.A. 4, 9/18/74. Certiorari Denied 11/25/74.

Elections - Apportionment - Discrimination

22. New York v. United States, docket number 73-1371, ruling below U.S.D.C. Dist. Col. 1/10/74. Affirmed 10/21/74.

Voting Rights Act, Section 5 - Exemptions - Declaratory Judgments

SUPREME COURT DOCKET CONT'D

23. New York v. United States, docket number 73-1740, ruling below U.S. D. C. Dist. Col. 5/20/74. Affirmed 10/21/74.

Voting Rights Act of 1965 - Discrimination

24. Peters v. Clark, docket number 74-616, ruling below C.A. 5, 11/19/74.

Apportionment - Discrimination - County Commissioners

25. Philadelphia Housing Authority v. Alderman, docket number 73-2002, ruling below C.A. 3, 7/9/74. Certiorari denied 10/15/74.

Government personnel - Political activity - State agency employees

26. Rendon v. District of Columbia Board of Elections, docket number 74-560, ruling below D.C. Court of Appeals.

Candidates - Primary Election Ballots - Equal Protection

27. Richmond, Va. v. United States, docket number 74-201, ruling below U.S. D. C. Dist. Col. 8/29/74.

Voting Rights Act of 1965 - Discrimination - Annexations

28. Scarrella v. Spannaus, docket number 74-318, U.S.D.C. Minn. 9/21/74.

Candidates - Removal of names from ballots - State judgeships

29. Smith v. Stewart, docket number 73-1632, ruling below Ill. App. Ct. 125 Dist. 10/12/73. Certiorari denied 10/15/74

Election Contest - Fraud - Voting Irregularities

30. Staats v. American Civil Liberties Union, docket number 73-1413, ruling below, American Civil Liberties Union v. W. Pat Jennings, (D.D.C. 1974) 366 F. Supp. 1041. Review Granted 8/10/74.

Federal Election Campaign Act - Constitutionality - Freedom of Speech

SUPREME COURT DOCKET CONT'D

31. Virginia v. United States, docket number 74-481 U.S.D.C. Dist. Col. 11/5/74.

Voting Rights Act of 1965 - Coverage - Literacy Tests

32. White v. Regester, docket number 73-1462, ruling below U.S. D.C. W. Tex. (1/28/74). Probable jurisdiction is noted 5/28/74.

Apportionment - Constitutionality of state legislative apportionment statute.



## SUPREME COURT CASES

Advertising and Solicitation - Public Transit Advertising

Lehman v. City of Shaker Heights, 418 U.S. \_\_\_\_ (1974), docket number 73-328, decided 6/25/74

A candidate for state office in Ohio, who was refused advertising space on a public transit system operated by a city brought a suit challenging the constitutionality of the municipal policy which did not permit political advertising but which allowed other types of public transit advertising. The Ohio Supreme Court held that the city's refusal to make available such advertising on vehicles of its public transit system did not violate a candidate's free speech or equal protection rights. The United States Supreme Court affirmed concluding that there were no First or Fourteenth Amendment violations.

The Court found that car card space on a city transit system is not a First Amendment forum. Moreover, the decision by the city to limit transit advertisements to innocuous and less controversial commercial and service-oriented advertising, which would minimize the appearances of political favoritism, was within the city's discretion and involved no First or Fourteenth Amendment violation.

The Court noted that, in much the same way that a newspaper or periodical, or even a radio or television station, need not accept every proffer of advertising, a city transit system may be discretionary in choosing the type of advertising that may be displayed in its vehicles.

In a concurring opinion, Justice Douglas concluded that the candidate was free to express his views to a willing audience but that he had no constitutional right to force his message upon a captive audience, which uses public transit vehicles, not as a place for discussion, but only as a means of transport.

Justice Brennan, along with Justices Stewart, Marshall, and Powell, dissented asserting that the message that the candidate sought to convey was unquestionably protected by the First Amendment. Also, once a public forum for communication has been established, both free speech and equal protection principles prohibit discrimination based solely upon subject matter or content.

## SUPREME COURT CASES CONT'D

Advertising and Solicitation - Right of Reply Statute - First Amendment

Miami Herald Publishing Co. v. Tornillo, 418 U.S. \_\_\_\_ (1974),  
docket number 73-797, decided 8/25/74

When the Miami Herald Publishing Co. refused to print a candidate's replies to editorials critical of his candidacy, a suit was brought in the Florida circuit Court seeking injunctive and declaratory relief on the basis of Florida's "right of reply" statute which grants a candidate a right to equal space to answer criticism and attacks on his record by a newspaper. The Circuit Court held the statute unconstitutional, and the Florida Supreme Court reversed, holding that the statute did not violate the constitutional guarantee of freedom of the press. The United States Supreme Court reversed the Florida Supreme Court and held that the "right of reply" statute violated the First Amendment's guarantee of a free press.

Chief Justice Burger, speaking for a unanimous Court, asserted that, beginning with *Associated Press v. United States*, 326 U.S. 1 (1945), the Court has expressed sensitivity as to whether a restriction or requirement constituted the compulsion exerted by government on a newspaper to print that which it would not otherwise print. Thus, governmental compulsion on a newspaper to publish that which "reason" tells it should not be published is unconstitutional. The statute exacts a penalty on the basis of the content of a newspaper by imposing additional printing, composing, and material costs and by taking up space that could be devoted to other material that the newspaper may have preferred to print. Even if the newspaper would face no additional costs to comply with a compulsory access law and even if it would not be forced to forgo publication of other matters, the statute fails to clear the barriers of the First Amendment because of its intrusion into the function of editors.

Justice White concurred noting that the First Amendment erects a virtually insurmountable barrier between government and the print media so far as government tampering, in advance of publication, with news and editorial content is concerned. Also, a newspaper is not a public utility subject to reasonable governmental regulation in matters affecting the exercise of journalistic judgment as to what shall be printed.

Justice Brennan, joined by Justice Rehnquist, concurred noting that the court's opinion did not consider the constitutionality of "retraction" statutes which afford plaintiffs who are able to prove defamatory falsehoods a statutory action to require the publication of a retraction.

SUPREME COURT CASES CONT'D

Candidates - Filing Fees - Indigents

Lubin v. Panish, 415 U.S. 709 (1974), docket number 71-6852,  
decided 3/26/74

The Supreme Court, in reversing the California Supreme Court, held that, absent reasonable alternative means of ballot access, a State may not, consistent with constitutional standards, require from a indigent candidate filing fees that he cannot pay. It was also held that, to deny a person the right to file as a candidate solely because of an inability to pay a fixed fee, without providing any alternative means, is not reasonably accessory to the accomplishment of the State's legitimate interest of maintaining the integrity of elections.

The Court noted that there are means of testing the seriousness of a candidacy which do not measure the probability of attracting significant voter support solely by the neutral fact of the paying of a filing fee. For example, States may impose on minor political parties the precondition of demonstrating the existence of some reasonable quantum of voter support by requiring such parties to file petitions for a place on the ballot signed by a percentage of those who voted in a prior election.

Justice Blackmun, along with Justice Rehnquist, concurred noting that in addition to a proper petitioning process suggested by the Court, a write-in procedure, free of a fee, would be an acceptable alternative.

SUPREME COURT CASES CONT'D

Election Offenses - Casting False Votes

Anderson v. United States, 417 U.S. \_\_\_\_ (1974), docket number 73-346, decided 6/3/74

Petitioners conspired to cast fictitious votes for federal, state, and local candidates in a West Virginia primary election, and they were convicted of violating 18 U.S.C. §241 which makes it unlawful to conspire or injure any citizen in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the United States.

In an opinion delivered by Justice Marshall, the Court held that the evidence supported the verdict that each of the petitioners engaged in the conspiracy with the intent of having false votes cast for the federal candidates. The opinion noted that the fact that petitioners' primary motive was to affect the result in the local rather than the federal election has no significance since, if one of the purposes of a single conspiracy - whether primary or secondary - violates a federal law, the conspiracy is unlawful under federal law.

The Court found that it is irrelevant that the petitioners may have had no purpose to change the outcome of the federal election since that is not the specific intent required under §241. But rather the intent that is required under §241 is to have false votes cast and thereby injure the right of all voters in a federal election to have their expressions of choice given full value, without dilution or distortion by fraudulent balloting.

Political Parties - Independent Candidates - Discrimination

American Party of Texas v. White, Secretary of State of Texas, 415 U.S. 767 (1974), docket number 72-887, decided 3/26/74

This case resulted from four separate actions brought by certain independent and minority party candidates and their supporters who sought declaratory and injunctive relief against the following Texas Election Code provisions:

## SUPREME COURT CASES CONT'D

1. Texas requires political parties whose candidates polled more than 200,000 votes in the last gubernatorial election to nominate candidates by primary election; and those parties whose candidates polled less than 200,000 but more than 2% of the gubernatorial votes to nominate candidates by primary election or convention. However, Texas requires parties polling under 2% to nominate their candidates through nominating conventions and, if the number of convention participants does not equal 1% of the total vote cast in the last gubernatorial election, to circulate petitions for signature in order to meet the 1% support requirement. This system is challenged on the basis that the convention/petition mechanism is burdensome because petitions can not be circulated before the major party primary elections, and can be circulated only during a period of 55 days. Also, since the 55 day period occurs after the primaries and any person who participated in the primaries is disqualified from thereafter signing a petition, the pool of possible supporters who may sign the petitions is severely reduced. The Court found the requirements imposed to be constitutional because they do not impose insurmountable burdens on the parties involved and because they are necessary to further the State's compelling interests. These interests include requiring that quantum of community support, settling intraparty competition before the general election by primary or convention and prohibiting one elector from casting more than one vote in the nomination process for one office.
2. In order to appear on the general ballot as an independent candidate in Texas, a candidate must file within 30 days after the primary runoff, a written petition signed by a specified percentage of voters for each office. Since primary voters were ineligible to sign the petitions for independent candidates, this method of obtaining a place on the ballot was challenged as unduly burdensome, and hence, unconstitutional. However, the Court rejected the contention because in reality about 25% of all registered voters normally do not turn out for primary elections. From these people, and from new registrants,

## SUPREME COURT CASES CONT'D

independent candidates would be able to obtain the required signatures, which must equal 3% to 5% of the gubernatorial vote cast in the district, depending on the office involved.

3. Texas law provides for state public financing of primary election campaigns for those political parties polling 200,000 or more votes in the last gubernatorial election. This requirement precludes funding to minor political parties and is challenged as unconstitutional. Since all parties seeking ballot position must hold conventions, but only major parties must conduct separate primary elections, none of the primary expenses reimbursed by government funds are incurred by minor parties. Thus, the state's refusal to reimburse expenses incurred by the minor parties is not discriminatory.
4. The practice of printing on the Texas absentee ballot only the names of the two major parties - Democratic and Republican - is found to be unconstitutional. The unavailability of the absentee ballot to any party which meets the statutory requirement for placement on the general ballot is obviously discriminatory.

Justice Douglas dissented on all but the absentee ballot portion of the case on the basis that the totality of requirements imposed on minority parties work an invidious unconstitutional discrimination against them.

Storer v. Brown, Secretary of State of California, 415 U.S. 724 (1974), docket number 72-812, decided 3/26/74

Several California Election Code provisions are challenged by candidates seeking ballot status as independent candidates and their supporters. Specifically, those who voted in the party primaries, had a registered affiliation with a political party within one year preceeding the primaries or were defeated in a party primary are prohibited from obtaining a ballot position as independent candidates. The Court notes that not all rules are automatically invalidated because they restrict the right to vote or associate, but in order to be upheld, they must be necessary to protect a State interest. The California disaffiliation requirements are sustained because they do not result in discrimination against independents, but merely seek to maintain the integrity of the two available routes to the ballot - independent candidacy and party primary candidacy.

## SUPREME COURT CASES CONT'D

California's restrictions on independent candidacies are necessary to effectuate the State's general policy to have contentions within the parties resolved by primaries and to avoid independent candidacies prompted by short range political goals, thereby preserving the party system. However, the Court does not decide whether it is constitutional for a State to require that an independent candidate file a petition bearing a number of signatures equal to 5% of the total number of votes cast in the last general election. Since it is necessary to know other critical facts not appearing from the evidentiary record in order to resolve this issue, the matter is remanded to the District Court for further proceedings.

Justice Brennan, with whom Justices Douglas and Marshall concurred, dissented on the basis that the State's interests could be protected by less drastic means.

Political Parties - Loyalty Oath

Communist Party of Indiana v. Whitcomb, 414 U.S. 441 (1974),  
docket number 72-1040, decided 1/9/74

The Communist Party of Indiana's application for a place on the Indiana ballot for the 1972 general election was rejected for failure to submit a statutory loyalty oath stating that the Party did not advocate the overthrow of local, state or national government by force or violence. An action was filed in the District Court of the Northern District of Indiana contending that the Indiana statute (Ind. Ann. Stat., §29-3812) was unconstitutional and requesting injunctive and declaratory relief. A three-judge district court declared the statute constitutional and ordered the Election Board to place the Party on the ballot but only if the required oath was submitted.

The Supreme Court, in an opinion delivered by Justice Brennan, reversed and held that the loyalty oath requirement of the Indiana statute violates the First and Fourteenth Amendments. The principle that the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy is directed to inciting or producing imminent lawless action and is likely to produce such action, applies to state regulation burdening access to the ballot, rights of association in the political party of one's choice, casting an effective ballot, and running for office, which are interests as substantial as those in other areas that the Court has protected against statutory schemes contrary to the First and Fourteenth Amendments.

## RECENT DECISIONS

### SUPREME COURT CASES CONT'D

The Court emphasized that States, in exercising their powers of supervision over elections and in setting qualifications for voters, may not infringe upon basic constitutional protections. The Court found that at stake are First and Fourteenth Amendment rights to associate with others for the common advancement of political beliefs and ideas. "The right to associate with the political party of one's choice is an integral part of this basic constitutional freedom." (See, Williams v. Rhodes, 393 U.S. 23, 30 (1968)). Also at stake are the interests of party members in casting an effective ballot. (See, Buttick v. Carter, 405 U.S. 134, 142-144 (1972)).

Justice Powell filed a concurring opinion noting that the Democratic and Republican Parties had been certified despite the failure of Party officials to submit the prescribed affidavits under Indiana Statute, 339-3812. Accordingly, no colorable justification was offered for placing on the Indiana Communist Party burdens not imposed on the two established parties, and such discriminatory application of the Indiana statute denied the Indiana Communist Party equal protection under the Fourteenth Amendment.

#### Qualifications to Vote - Ex-felons

Richardson v. Ramirez, 418 U.S. \_\_\_\_ (1974), docket number 72-1589, decided 6/24/74

Three individuals who were convicted of felonies and have completed the service of their respective sentences and paroles filed a petition for a writ of mandate in the Supreme Court of California to compel election officials to register them as voters. The Supreme Court of California held that "as applied to all ex-felons whose terms of incarceration and parole have expired, the provisions of Article and Article XX, section 11, of the California Constitution denying the right of suffrage to persons convicted of crime, together with several sections of the Elections Code implementing that disqualification, violate the equal protection clause of the Fourteenth Amendment" (9Cal. 3d 199 (1973)).



## SUPREME COURT CASES CONT'D

The United States Supreme Court reversed that decision and held that California, in disenfranchising convicted felons who have completed their sentences and paroles, does not violate the equal protection clause. Moreover, the Court held that the understanding of those who adopted the Fourteenth Amendment, as reflected in the express language of §2 and in the historical and judicial interpretation of the Amendment's applicability to state laws disenfranchising felons, is of controlling significance in distinguishing such laws from those other state limitations on the franchise which have been held invalid under the equal protection clause by the Court. The exclusion of felons from the vote has an affirmative sanction in §2 of the Fourteenth Amendment, a sanction which was not present in the case of the other restrictions on the franchise which were invalidated in other Supreme Court cases.

In a dissenting opinion by Justice Marshall, joined by Justice Brennan, it was noted that the disenfranchisement of ex-felons must be measured against the requirements of the equal protection clause of §1 of the Fourteenth Amendment. The right to vote "is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." The dissent concluded that the State had not met its burden of justifying the blanket disenfranchisement of former felons and that there is no basis for asserting that ex-felons have any less interest in the democratic process than any other citizen; thus, measured against the standards of the Supreme Court's modern equal protection jurisprudence, the blanket disenfranchisement of ex-felons cannot stand.

### Registration - Criminal Offenders

O'Brien v. Skinner, 414 U.S. 524 (1974), docket number 72-1058, decided 1/16/74

An action was brought challenging the constitutionality of certain New York election laws which allow qualified persons to register and vote by absentee measures if precluded from personally doing so because of illness, physical disability, their duties, occupation, or business, and permit absentee voting (but not registration) if the voters are vacationing away from their residence on election day or are confined in a veterans' hospital. The appellants were incarcerated in jail as convicted misdemeanants or pretrial detainees unable to make bail but who were under no voting disability under New York law, and who requested but were denied the right to register and vote under mobile registration, absentee voting, or other procedures.

## SUPREME COURT CASES CONT'D

The Supreme Court, in reversing and remanding the decision of the New York Court of Appeals, held that the challenged provisions as thus construed, which raise no question of disenfranchisement of persons convicted of criminal conduct and permit incarcerated persons to register and vote by absentee means if confined in a county where they are not residents, violate the Equal Protection Clause of the Fourteenth Amendment, as they arbitrarily discriminate between categories of qualified voters.

Special Prosecutor

United States v. Nixon, -- U.S. \_\_\_\_ (1974), docket number 73-1766, decided 7/24/74

On July 24, 1974, when the United States Supreme Court held that certain Presidential tapes and documents had to be turned over to the District Court for the District of Columbia for use in criminal trials, the Court also examined the authority and role of the Special Prosecutor. The President presented a justiciable controversy. The mere assertion of an "intra-branch dispute," alone does not defeat federal jurisdiction. See, United States v. ICC, 337 U.S. 426 (1949). According to the Court, the "demands of and the resistance to the subpoena present an obvious controversy in the ordinary sense, but that alone is not sufficient to meet constitutional standards." The action of the Special Prosecutor in seeking evidence, which was preliminarily determined to be relevant and admissible in pending criminal trials and the President's assertion of privilege in opposition thereto, present issues which are justiciable, and the fact that both parties are officers of the Executive Branch is not a bar to justiciability.

The Court rejected the idea of an absolute, unqualified presidential privilege of immunity from judicial process under all circumstances. Neither the doctrine of separation of powers nor the generalized need for confidentiality of high-level communications can sustain an absolute and unqualified executive privilege. See, Marbury v. Madison, 1 Cranch (5 U.S.) 137, 177 (1803). Thus, absent a claim to protect military, diplomatic, or sensitive national security secrets, the confidentiality of presidential communications is not significantly diminished by producing material for a criminal trial under the protected conditions of in camera inspection, and any absolute executive privilege would conflict with the functions of the courts under the constitution. The Court noted further that public interest requires that presidential confidentiality be afforded the greatest protection

SUPREME COURT CASES CONT'D

consistent with the fair administration of justice and that the District Court must protect that material involving presidential conversations irrelevant to or inadmissible in the criminal prosecutions.

FEDERAL COURT CASES

Absentee Voting - Municipal Referenda

Whalen v. Heimann, 373 F. Supp. 353 (D. Conn. 1974)

The Court considered whether, in certain circumstances, the unavailability of absentee ballots impairs the constitutionally protected voting rights of electors. The plaintiffs were qualified electors who were unable, by reason of physical disability or absence from the state for business reasons, to vote in a town referendum. Connecticut General Statutes §9-369 does not extend absentee voting to qualified electors who are precluded by personal circumstances from appearing at the polls to vote in local referenda held on a date other than the date of a general election.

The Court held that the requirement that voting at such elections be done by physical attendance at the polls with no provision for absentee ballots is not an unreasonable requirement such as would violate the due process or equal protection clauses because of the state interest in having rapid submission of questions to the electorate by way of municipal referenda. The Court also held that failure to remove the plaintiffs from the list of qualified electors for purposes of determining the 20% majority required did not deny equal protection or due process.

Apportionment and Redistricting - Counties

Bradas v. Rapides Parish Police Jury, 376 F. Supp. 690 (W.D. La., 5/10/74)

In a Louisiana parish reapportionment case, the District Court held that the parish apportionment plan prepared by the Court which provided for nine single-member districts, an average deviation of 0.72%, a maximum deviation of 2.2% and the preservation of the traditional ward lines and geographical boundaries, which virtually assure the election of two minority members, met constitutional standards.

## FEDERAL COURT CASES CONT'D

Zimmer v. McKeithen, 485 F.2d 1297 (C.A. 5, 1973).

This case involved an action for reapportionment of a school board and police juries in East Carroll Parish in Louisiana. The Court of Appeals held that, although population is the proper measure of equality in apportionment, access to the political process and not population is the barometer of dilution of minority voting strength. The Court added that repudiation of at-large elections for police jury and school board would be justified in view of confluence of factors, including past racial discrimination, supporting contention that at-large electoral scheme would have worked a diminution of black voting strength. The Court noted that the fact that three black candidates had been successful in immediately preceding election did not dictate a finding that the at-large scheme did not in fact dilute black vote.

The Court asserted that inherent in concept of fair representation are two propositions: first, that in apportionment schemes, one man's vote should equal another man's vote as nearly as practicable, and second, that assuming substantial equality, the scheme must not operate to minimize or cancel out the voting strength of racial elements of the voting population.

Apportionment and Redistricting - LegislativeTaylor v. McKeithen, 489 F.2d 893 (C.A. 5, 8/21/74).

This action involved a legislative reapportionment suit. Originally, the United States District Court for the Eastern District of Louisiana (333 F. Supp. 452) adopted the plan recommended by the special master. The Court of Appeals affirmed with modifications (457 F.2d 796). On certiorari, the United States Supreme Court remanded (407 U.S. 191 (1972)). On remand the Court of Appeals held that the District Court's preference for the special master's gerrymander of four of seven senate districts over the alternative nongerrymandered plan exceeded the bounds of judicial discretion.

The special master's gerrymander of four of seven senate districts in New Orleans was constructed in such a way to insure two safe black senate seats and was based on the erroneous notion that Louisiana history demonstrated that blacks were deprived of access to the legislature by discriminatory districting. The nongerrymandered plan of the senators was based on ward lines, had all single-member districts, and accorded blacks more access and heavier weight in the political process than the special master's plan.

## FEDERAL COURT CASES CONT'D

Assistance to Voters - Discrimination

James v. Humphreys County Board of Election Commissioners,  
 \_\_\_\_ F. Supp. \_\_\_\_ (D. N.D. Miss., 10/4/74), 43 L.W. 2168.

The Federal District court found that otherwise proper assistance provided by election officials to illiterate black voters upon their request satisfies the requirement of being both adequate and reasonable, irrespective of the race of the assisting official. The Court noted that county officials were under no duty to staff black precinct officials at all polling places merely to render assistance to black illiterate voters.

The Court also held that the County's practice of allowing blind and disabled voters to be assisted in casting their ballots by either outside assistants or election officials, while limiting illiterate voters to assistance provided by election officials, violates the Equal Protection Clause of the Fourteenth Amendment. According to the Court, since no compelling reason exists for distinguishing between voter assistance offered to illiterates and that allowed to blind and disabled voters, the Fourteenth Amendment mandates that the same assistance allowed to blind and disabled voters be extended to illiterate voters.

Bilingual Elections

Arroyo v. Tucker, 372 F. Supp. 764 (E.D. Pa. 1973).

The Court ordered that, pending a hearing and determination of a motion for a preliminary injunction, the defendants, election officials, be restrained from distributing any written materials used in the voting processes for the November 6, 1973 elections unless the election materials are prepared and distributed in English and Spanish.

v. Falcey, \_\_\_\_ F. Supp. \_\_\_\_ (D. N.J.) decided 1/73, docket number 1447-73.

The court found that, under the Voting Rights Act of 1965 as amended, 42 U.S.C. 1973 *et seq.*, a United States citizen born in Puerto Rico may not have his right to vote conditioned on the ability to read, write, understand, or interpret any matter in the English language.

## FEDERAL COURT CASES CONT'D

Accordingly, it was ordered: (1) that the official machine ballot be printed in English with instructions for operating the machine printed in Spanish and English, (2) that two additional District Board of Elections members bilingual in Spanish and English, one Democrat and one Republican be appointed to assist the Spanish-speaking voter, (3) that the sample ballot be printed in Spanish, (4) that the sample Spanish ballot be posted conspicuously in the polling place and, (5) that signs be prepared and posted asserting that a Spanish translation of the English sample ballot is available and that bilingual officials are also available for assistance.

Puerto Rican Organization For Political Action v. Kusper, 490 F. 2d 575 (C.A. 1, 1973), 42 L.W. 2333, decided 12/18/73.

In Chicago, many voters did not understand enough English to be able to vote effectively unless they had written instructions or verbal assistance in Spanish. A district court, accordingly, entered a preliminary injunction ordering the election officials to provide certain specific forms of assistance to Spanish-speaking voters.

The Seventh Circuit Court of Appeals held that the Voting Rights Act of 1965 (with the 1970 amendment) prohibits the State from conditioning the right to vote of persons who attended any number of years of school in Puerto Rico on their ability to read or understand English. Accordingly, their complaint stated a cause of action for which a federal court can give relief.

Torres v. Sachs, F. Supp. (S.D.N.Y.) decided 9/26/73, docket number 73 Civ. 3921 (CES).

In a preliminary injunction regarding Spanish-speaking voters, the Court ordered: (1) that all ballots containing propositions and amendments have a Spanish translation, (2) that all materials used in the election process which are distributed to voters be in both the Spanish and English language, (3) that signs be prepared and affixed to tables in all polling places asserting that Spanish translations of all election materials be available, (4) that a sufficient number of bilingual persons be at all polling places in an election district which contains 5 percent or more Puerto Rican or other Hispanic persons, and (5) that signs be prepared and affixed to tables where translators are provided which state that Spanish translators are available to offer assistance to voters.

## FEDERAL COURT CASES CONT'D

Campaign Contributions - Candidates - Filing ReportLukens v. Brown, 368 F. Supp. 1340 (S.D. Ohio, 1974).

An action was brought by a potential candidate for the office of United States Senator from Ohio challenging the constitutionality of an Ohio statute prohibiting the political candidacy of a person who had failed to file a report of campaign contributions within 45 days after his last election. A three-judge court held that the law in question was a reasonable exercise of legislative power and was constitutional. (Revised Code of Ohio, §§3517.10 and 3517.11)

The Court noted that, while the Ohio statutes in question appear to be a reasonable and wise exercise of legislative power, it should not be assumed that their constitutionality turns upon this Court's approval of their purpose. It is not the function of the federal courts to place an imprimatur on those statutes deemed wise and to withhold approval from those deemed foolish. Ferguson v. Skrupa, 372 U.S. 728, 730 (1963); Vlandis v. Kline, 412 U.S. 441, 467-469 (1973) (Rehnquist, J., dissenting).

Campaign Contributions - Gift Tax Treatment

Tax Analysts and Advocates v. George P. Shultz, F. Supp.  
 — Civil Action No. 594-73 (U.S.D.C. D.C. 8/7/74).

The United States District Court for the District of Columbia on June 7, 1974 ordered that Revenue Ruling 72-355, 1972-2 Cum. Bull. 532 is null, void and of no effect, as inconsistent with §2503(b) of the Internal Revenue Code of 1954 as interpreted by the Supreme Court in Helvering v. Hutchings, 312 U.S. 393 (1941). Revenue Ruling 72-355 was issued in response to inquiries on gift tax treatment of contributions to political campaigns. The ruling stated that gifts of up to \$3,000 to multiple finance committees organized to receive contributions for the campaign of the same political candidate are to be treated as gifts to the committees and not to the candidate. Consequently, these gifts qualify for the \$3,000 exclusion under the gift tax provision of the Internal Revenue Code (§2503(b)), if, inter alia, at least one-third of the officers of each committee are different.

As a result of Revenue Ruling 72-355, many contributions were made to the campaigns of the 1972 presidential candidates in \$3,000 increments to a multitude of finance committees who simply funnelled



## FEDERAL COURT CASES CONT'D

the money to the central finance committees. Thus many individual donors who contributed hundreds of thousands of dollars thereby escaped the gift tax which would have been imposed if the contributions were made directly to the central campaign committees.

The question that was presented to the Court was whether Revenue Ruling 72-355 is a lawful interpretation of §2503(b) of the Internal Revenue Code. The Court considered the case of Helvering v. Hutchings, 312 U.S. 393 (1941) which addressed itself to the issue of who is the donee of a gift for gift tax purposes. In Hutchings, the taxpayer established a trust fund for the benefit of her seven children to which she transferred \$145,000, and in her gift tax returns she excluded \$5,000 for each child (exclusion is now \$3,000) for a total of \$35,000. The Court found that Hutchings was broad enough in scope to cover gifts to political campaigns, and absent some overriding objection to its applicability, necessitated an award of summary judgment to the plaintiffs.

Accordingly, the Court ordered that the defendants be permanently enjoined in the administration of the gift tax provisions of the Internal Revenue Code from treating gifts to distinct persons, for purposes of the annual \$3,000 exclusion from the Federal gift tax, as political contributions by one donor to multiple committees established to further the nomination or election campaign of the same candidate.

#### Campaign Contributions - Corporate - Special Prosecutor

United States v. Andreas, 374 F. Supp. 402 (D. Minn. 1974).

In the prosecution of Interoceanic Corporation on a charge of making an illegal campaign contribution in violation of 18 U.S.C. §610 and of a corporate officer on a charge of consenting to the same, the District Court, on motions by the defendants to dismiss, held that the factual issues concerning the alleged payments and illegal transfers between the corporation and the officer were part of the general issue to be resolved and not on motions such as the motions to dismiss which were supported by an affidavit that the checks of the corporation cleared the bank more than five years prior to the filing of the information - five years being the statute of limitations. The Court found, however, that the statute of limitations begins to run when the crime is complete.

## JUDICIAL DECISIONS

### FEDERAL COURT CASES CONT'D

Moreover, the Court held that the information signed by the Special Prosecutor, Archibald Cox, did not exceed the authority of the Watergate special prosecutor. The Court noted that the special prosecutor was an officer of the Department of Justice as well as an authorized assistant of the Attorney General for the purposes of the rule concerning the signature of the attorney on information. The regulation setting forth the creation of the Office of the Watergate Special Prosecution Force (28 C.F.R. §037 (1973) made clear that the office and its director were still an operational segment of the Department of Justice, with the Attorney General being held accountable for all actions to be taken by the Force. Also, 28 U.S.C. §515 (a) (1970), which authorizes the Attorney General or any of the officers of the Department of Justice at the direction of the Attorney General to conduct legal proceedings, provides an additional basis for the authority of the Watergate Special Prosecutor to sign information as an attorney for the Government.

Moreover, the Court noted that the abolition of the office of the Watergate Special Prosecution Force and the discharge of the Special Prosecutor did not have the effect of abating all pending court proceedings initiated by the Special Prosecutor. Also the jurisdiction for the Watergate Special Prosecutor's functions was carved out of the area of responsibility previously assigned to the Assistant Attorney General in charge of the criminal division. See, § U.S. §§301, 552, 552(a)(1), (b)(1), and (A, B).

#### Campaign Financing - Contributions - Labor Unions

Barber v. Gibbons, 367 F. Supp. 1102 (E.D. Mo. 1973).

In an action seeking a declaration as to the validity of a union's political fund, the District Court held that political expenditures from the fund created by authorized allocations from union members' dues would be illegal. The Court found that, where all members of a labor organization having the same pay scale paid the same dues and where the political fund was established by members authorizing allocations from their dues to the fund, the expenditures out of such fund for political purposes would violate the statute prohibiting utilization, for political purposes, of moneys secured by dues required as a condition of membership in the union. (18 U.S.C. §510)

## FEDERAL COURT CASES CONT'D

### Campaign Financing - Expenditure Limitations - Media

Abercrombie v. Burns, \_\_\_ F. Supp. \_\_\_ (D.C. Hawaii, 7/19/74),  
43 L.W. 1046

A District Court in Hawaii held that the campaign financing law which limited the amount a candidate for public office can spend on media advertising is an unjustifiable infringement on First Amendment freedoms. The Court noted that, while some rational basis for the limitation might exist, when a law infringes upon free speech, more than simply a rational basis is required to uphold it. Also, the fact that a political announcement is purchased in the media cannot expose it to a lower grade of protection.

The District Court noted that the appropriate tests to judge the limitation on media expenditures were established in United States v. O'Brien, 391 U.S. 367 (1968) which provided that such a governmental restriction is sufficiently justified (1) if it is within the constitutional power of the government, (2) if it furthers an important governmental interest, (3) if the governmental interest is unrelated to the suppression of free expression, and (4) if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest. The law limiting media expenditures satisfied the first three criteria but failed to satisfy the fourth criterion; such a limitation on its face appears greater than necessary to promote the principle of equality of opportunity to participate in the political process. However, the District Court did note that this interest is amply protected by the limitation in the campaign financing law on total campaign expenditures.

## FEDERAL COURT CASES CONT'D

The Court found that the requirement excluding minors under the age of 18 from a place on the Board of Education assures some measure of maturity in Board members. The State has a clear interest in the maturity of its office holders, just as it has an interest in the maturity of its voters. Also, the Court noted that the State has an interest in assuring that its school board members will have reached the age of majority in order to have the legal capacity to transact the business of the Board, which may include signing contracts.

Candidates - Filing Fees - Ballot Access

Mathews v. Little, 498 F.2d 1068 (C.A. 5, 8/19/74).

The Fifth Circuit Court of Appeals held that Atlanta's charter provision and ordinance that required prospective City Council candidates to pay a filing fee of \$500 in order to secure a place on the ballot, did not impose an unconstitutional burden upon the indigent plaintiff's access to the ballot since there was a "reasonable" alternative to the ballot, which required a prospective candidate to submit a petition signed by not less than two percent of the registered voters in the candidate's district.

Candidates - Nomination Papers

Consumer Party v. Tucker, 364 F. Supp. 594 (E.D. Pa. 1973).

This case involved a proceeding on motion of plaintiffs for temporary and final injunctive relief against enforcement of a provision of the Pennsylvania Election Code regulating the time for obtaining signatures on nomination papers. The Court held that, where the provision of the Code regulating the time for obtaining signatures on nomination papers had previously been declared unconstitutional and void by a three-judge court and where General Assembly of Pennsylvania had failed to enact new and valid time limitation, so that no valid time limitation existed as to the filing of nomination papers submitted by plaintiffs were to be considered as timely, and refusal of defendant city commissioners, who constituted the board of elections, to receive such papers and place plaintiffs' nominee on ballot as candidate constituted a violation of plaintiffs' constitutional rights for which they were entitled to equitable relief.

## FEDERAL COURT CASES CONT'D

Candidates - Staggered-Term Voting SystemCherry v. County of New Hanover, 489 F.2d 273 (C.A. 4, 1973).

An action was brought in the District Court for the Eastern District of North Carolina challenging the staggered-term voting system used to elect members of the City Council, County Board of Commissioners, and the Board of Education. In their complaint, the plaintiffs urged that such a system violated their "constitutional right to elect members of their race to public office under the Fourteenth and Fifteenth Amendments because it was one method by which defendants "dilute the voting power of the plaintiffs and other Negro citizens..." The District Court dismissed the suit and the Court of Appeals affirmed holding that the staggered-term voting system did not involve invidious discrimination.

The Court of Appeals found that members of minority groups do not have a constitutional right to elect members of their race to public office. And, where there was no showing that the staggered-term voting system was adopted purposefully as a device to further historically engrained racial discrimination, such voting system did not involve invidious discrimination.

Contributions - Corporate - ReferendumsSchwartz v. Romnes, 495 F.2d 844 (C.A. 2, 4/2/74).

The Second Circuit Court of Appeals held that §460 of the New York Election law that prohibits corporate contributions for "any political purpose whatever" does not bar the corporation's expenditure of funds for the purpose of publicizing its support of the transportation bond issue.

The Court found that the legislative history of §460 and more particularly the phrase "for any political purpose whatever" revealed the intent of the drafters to prevent corruption of legislators and other elected officials. No legislative concern was expressed regarding corporate expenditures for expressions of views with respect to the entire electorate for a vote. The primary objective was to prohibit corporate contributions to candidates or parties, since such contributions might tend to create political debts, obligating the legislators and public officers to reciprocate by favoring special interests. The Court concluded that the legislative history and the statutory pattern of the New York election law indicate that the drafters did not intend the prohibition of §460 to extend to referendums, or at least not to referendums of a nonpartisan nature.

FEDERAL COURT CASES CONT'D

Corrupt Practices Act - Enforcement

Nader v. Kleindienst, 375 F. Supp. 1138 (D. D.C., 1/29/74)

This case involved an action against the Attorney General of the United States, the United States Attorney for the District of Columbia, the Clerk of the House of Representatives, and the Secretary of the Senate, seeking a declaration that the defendants had failed to enforce the Federal Corrupt Practices Act (2 U.S.C. §§241-256) and seeking an order in the nature of a mandamus to compel them to do so. The plaintiffs alleged that the Clerk and the Secretary failed to enforce the Act in that they did not forward to the Attorney General the names of those persons whom they knew to have violated the Act. The Court noted, however, that the Act only required the Clerk and the Secretary to receive the filed statements, preserve them for two years, and make them available for public inspection and that the Act imposed no enforcement duties upon them whatsoever. The Court dismissed the action as to the Clerk and the Secretary.

Likewise, the action was dismissed as to the Attorney General and the United States Attorney on the ground that their prosecutorial responsibilities under the Act are wholly discretionary functions and are not subject to judicial discretion or review. Such rationale is based on the doctrine of separation of powers.

The Court noted that the plaintiffs had standing to pursue the action seeking to compel enforcement of the Federal Corrupt Practices Act since they alleged injury in fact by their allegation that nonenforcement deprived them of relevant information on which to cast their ballots.

Corrupt Practices Act - Partisan Corporate Expenditures

Ash v. Cort, 496 F.2d 204 (C.A. 3, 4/16/74).

## FEDERAL COURT CASES CONT'D

The Court noted that as a voter and citizen, the plaintiff is within the class sought to be protected by §610. In enacting the statute, Congress felt that corporate expenditures reduced the ability of voters to secure a Government responsive to their wishes and increased the likelihood of governmental actions favorable to special interests. As a stockholder in Bethlehem Steel Corporation, the plaintiff is also within the class protected by §610. The prohibition contained in §610 keeps control over political contributions in the stockholders', rather than the corporate officials', hands. The Court found that allowance of a private cause of action is proper to remedy violations of 18 U. S. C. §610 whether brought by a citizen or a stockholder.

According to the Court the partisanship of a corporate expenditure for an advertisement that denounced an unnamed presidential candidate's statements on tax reform and called for honest elections, but did not endorse the election of any particular candidate, is a factual issue that precludes a summary dismissal of the suit charging the company with violating the Corrupt Practices Act. The American Public is not so unperceptive that it would not recognize a statement as supporting or attacking a particular candidate even if the candidate's name was not used.

#### Election Contests - Discrimination

##### Coalition For Education In District One v. Board of Elections of City of New York, 495 F.2d 1090 (C.A. 2, 4/24/74)

This case involved an action by minority residents of a school district against the New York City Boards of Education and Elections seeking a judgment declaring the school board election invalid. The United States District Court for the Southern District of New York declared the election invalid (370 F. Supp. 42). On appeal, the Second Circuit Court of Appeals affirmed finding that the election was invalid on the grounds that various acts of the Board of Elections had a discriminatory impact on the right of minority voters that could have affected several hundred votes at the election. The Court of Appeals noted: "The only major problem of which they were aware before the election was the alteration in election district lines and the consequent change of polling places for many minority voters. However, plaintiffs cannot fairly be held lacking in diligence on that score, since the harm was not the change in polling sites *simpliciter* but the unanticipated failure of the Board of Elections to advise some voters where to go."

## FEDERAL COURT CASES CONT'D

Election Offenses - Advertising

United States v. Insko, 498 F.2d 204 (C.A. 5, 6/21/74); see also, 365 F. Supp. 1308 (M.D. Fla., 1973).

The defendant in this case is charged with violating the provisions of a federal election law proscribing the publication or dissemination of anonymous written campaign materials in a federal election (18 U.S.C. §612). The charge was based on the publication and distribution by the defendant of approximately 2,500 automobile bumper stickers reading "McGOVERN-GUNTER." William Gunter was the Democrat opponent of Republican Jack P. Insko, the defendant, for Representative to Congress in the 1972 general election. The United States District Court for the Middle District of Florida found the defendant guilty, and he appealed.

The Fifth Circuit Court of Appeals, in reversing the District Court, held that the defendant was inadequately apprised by the pertinent statutory provisions of the culpable nature of his conduct at the time the charged offense occurred. In researching the legislative history of §612 the Court of Appeals concluded that there was no significant evidence that Congress sought to include bumper stickers per se within the statute's prohibition. Rather, Congress sought to regulate only those written products of an organized campaign which were designed to convey something beyond mere candidate identification. According to the Court, it is a fundamental tenet of our jurisprudence that statutes which proscribe conduct may not be so inartfully worded that persons of common intelligence must speculate as to their meaning.

The problem of providing fair notice is raised by three interrelated factors. First, there is complete silence in both the statute and the legislative history in regard to bumper stickers. Second, a universal practice has prevailed among federal candidates in not affixing attribution clauses to bumper stickers employed in their campaigns. And third, no prosecutions have ever been brought by the Department of Justice with respect to unattributed bumper stickers, despite this universal practice of omitting identification statements. Consequently, the Court of Appeals concluded that the defendant was lulled into the reasonable impression that his conduct did not run afoul of the federal anti-anonymity measure.



## FEDERAL COURT CASES CONT'D

Federal Election Campaign Act of 1971 - Advertising and Solicitation - Free Speech

American Civil Liberties Union Inc. v. W. Pat Jennings, 366 F. Supp. 1041 (D.D.C. 1973). See also Staats v. American Civil Liberties Union, U.S. Sup. Ct., docket number 73-1413.

The plaintiffs challenged Title I of the Act, which was the regulating procedure adopted to enforce spending limitations in the communications media imposed upon candidates for federal office, as being violative of the First Amendment. The case concerned an advertisement by the plaintiffs opposing President Nixon's school busing stand which was rejected by the New York Times on the ground that the Act required the paper to determine if 102 Congressmen cited favorably in the advertisement would be exceeding their campaign spending levels if it was published. Under the provisions of Title I of the Act, the New York Times could have faced criminal penalties if it had accepted the advertisement and if it were found to have violated the Act.

Title I of the Act established limitations on spending through the communications media by candidates for federal office in either primary or general elections. To effectuate such spending limitations, a procedure was developed by which any person desirous of publishing an advertisement "on behalf of" such candidate must first obtain a certification from the candidate that the advertisement does not exceed his spending limitation.

A three-judge court held that the challenged provisions of Title I of the Federal Election Campaign Act of 1971 imposed impermissible prior restraints in violation of the First Amendment right of free speech. The Court noted that attempts to impose prior restraints have been consistently met with judicial disfavor, New York Times Co. v. United States, 403 U.S. 714 (1971); Freedman v. Maryland, 389 U.S. 51, 59-60 (1965); Blount v. Rizzi, 400 U.S. 410 (1971); and Near v. Minnesota, 283 U.S. 697 (1931).

Municipalities - At-Large Election - Discrimination

Dove v. Bumpers, 364 F. Supp. 407 (D. Ark. 1973).

Black citizens of Pine Bluff, Arkansas instituted a class action challenging the constitutionality of an Arkansas statute (Ark. Stats. §19-1002.2) which provides the method of electing aldermen. The three-judge district court held that the statute providing for at-large election of aldermen who must reside in their respective wards

## FEDERAL COURT CASES CONT'D

was not unconstitutional *per se*, that plaintiffs failed to discharge the burden of proving that operation of the statute prevented participation by black citizens, who composed the majority in two of the city's four wards, in nomination and election of aldermen on an equal basis with other residents of city, and that the at-large election of aldermen did not result in disparity of municipal services between predominantly white and predominantly black wards.

Wallace v. House, 377 F. Supp. 1192 (W.D. La. 6/6/74).

In this case the Court held that the at-large scheme of electing an alderman in the Town of Ferriday, Concordia Parish, Louisiana, effectively deprived black plaintiffs of the right to vote on account of race, in that it invidiously cancelled out the voting strength of blacks within the Town. The Court found that the plan for electing town alderman, which divided the Town into five single-member districts with no at-large feature was not constitutionally infirm.

Political Parties - Apportionment of Delegates

Ripon Society, Inc. v. National Republican Party, 369 F. Supp. 368 (D.D.C. 1974).

In an action challenging the constitutional validity of the 1972 formula for the apportionment of delegates to the Republican National Convention, the District Court for the District of Columbia, held that the formula allocating 4.5 bonus delegates to each of the 43 States which had cast its electoral vote for that party's 1972 nominee for President violated the equal protection clause. The Court further held that the formula allocating one additional delegate to each state which in November, 1972, or at any subsequent election held prior to January 1, 1976, elected a senator, governor or at least half of the state's seats in the United States House of Representatives belonging to that party violated the equal protection clause. However, the Court found that the system for determining delegates by rewarding states producing victories for that party by allocating a number of delegates reasonably proportionate to the state's electoral vote had a constitutionally rational basis.

## FEDERAL COURT CASES CONT'D

President and Vice President - Right To Vote ForSanchez v. United States, 376 F. Supp. 239 (D. Puerto Rico, 5/31/74).

A resident of Puerto Rico brought an action challenging the constitutionality of the law which prohibits U.S. citizens residing in Puerto Rico from voting for President and Vice President of the United States (48 U.S.C. §731b et seq.). The Court denied the motion to convene a three-judge court and dismissed the complaint. The Court noted that, as respect to presidential elections, the United States Constitution does not by its terms grant citizens the right to vote, but leaves the matter entirely to the States. Also the Court asserted that, although citizenship may be a prerequisite to voting, the right to vote is not an essential right of citizenship.

Primary Elections - Designation of IncumbencyWilliamson v. Fortson, \_\_\_\_ F. Supp. \_\_\_\_ (N.D. Ga. 6/19/74).

The District Court for the Northern District of Georgia held that a Georgia election law that requires a candidate's incumbency to be indicated on a primary election ballot did not unconstitutionally discriminate between incumbent candidates and challengers. The Court noted that the discrimination was not grounded in a suspect classification and that the statute needed only to satisfy the "rational basis" test in order to avoid constitutional infirmity. It was argued by the State that the purpose of the statute was to provide useful information to ill-informed voters. The Court found that it would be desirable for all voters to be well informed in making their electoral choices but that it is not irrational for the State to attempt to provide an ill-informed voter with some minimum quantum of information on which to base his choice among the candidates. According to the Court, the fact that the statute may not be the best possible method to achieve the State's objective is not sufficient to invalidate the statute under the rational basis test.

Primary Elections - Scheduling

Walgren v. Howes, 373 F. Supp. 624 (D. Mass. 1974). See also, Walgren v. Howes, 482 F.2d 95 (C.A. 1, 1973).

The Court held that a college community's (Town of Amherst) traditional scheduling of a primary election on a date during which college was in recess violated neither the Fourteenth Amendment nor the Twenty-Sixth Amendment.

## FEDERAL COURT CASES CONT'D

The Court noted that, in determining whether the scheduling of primary elections violated the equal protection clause, the strict scrutiny approach is inappropriate and the appropriate inquiry is whether the burden imposed by the election schedule was "so severe as to constitute an unconstitutionally onerous burden." And the Court found that a review of the burdens that have been upheld by the United States Supreme Court against equal protection challenges clearly shows that the claim of disenfranchisement in this case was not nearly of the order of those that have been struck down previously.

Purge of Voters - Racial Discrimination

Toney v. White, 488 F.2d 310 (C.A. 5, 1974).

The Fifth Circuit Court of Appeals in a Louisiana town, held that where an action of the registrar of voters in purging the voter rolls for failure to vote and for failure to report changes of address had a discriminatory effect against Negro voters and where the suits of private plaintiffs was filed promptly after the election as was suits of the Justice Department, each suit was filed with diligence and there was no deliberate by-pass of pre-election judicial review and it was not error to set aside the primary election.

The Court noted that, where conduct of registrar in purging voter rolls 30 days prior to primary election had a racially discriminatory effect, the registrar had a heavy burden to show that there was a deliberate by-pass of pre-election judicial relief as defined by the Voting Rights Act of 1965 (42 U.S.C., §1971) and it was not error to set aside the election.

Qualifications To Vote - Criminal Offenders

Hayes v. Mandel, 367 F. Supp. 566 (D. Md. 1973).

## FEDERAL COURT CASES CONT'D

The Court noted that the petitioner who was not qualified to vote because of an outstanding robbery conviction rendering him disenfranchised under state law and who alleged that the conviction was obtained unconstitutionally but did not exhaust state remedies regarding the constitutionality of the conviction was not entitled to relief in the nature of habeas corpus from the federal district court from the State's denial of his voting rights.

Reapportionment - School Board - Police Jury

Turner v. McKeithen, 490 F.2d 191 (C.A. 5, 1973).

In an action for reapportionment of a school board and police jury in a Louisiana parish, the Fifth Circuit Court of Appeals held the police jury's plan unconstitutionally diluted the potential for political participation by the black community of the parish. The Court recognized that access to the political process is the barometer of dilution of minority voting strength. White v. Regester, 412 U.S. 755 (1973), Zimmer v. McKeithen, 485 F.2d 1297 (C.A. 5, 1973). According to the Court, while a minority group is not constitutionally entitled to an apportionment structure designed to maximize its political advantage, neither may it be enveloped in a structure which will necessarily minimize its potential for meaningful access to the political process.

Registration - Annual Requirement

Beare v. Briscoe, 498 F.2d 244 (C.A. 5, 7/31/74).

An action was brought by residents of Texas challenging provisions of the Texas Constitution and an implementing statute requiring that persons who wished to vote in any given year register each year during the registration period beginning on October 1 and ending on January 31 of the following year. A three-judge District Court found the requirement unconstitutional and the Fifth Circuit Court of Appeals affirmed holding that the registration requirement did not promote a compelling state interest and denied equal protection. The Court noted: "What we have held is that the tactic underlying the Texas annual voter registration system, which sought to win the war for representative government by inflicting devastating losses on its electoral army before it ever marched off to the polls, is inconsistent with the United States Constitution. The mass disenfranchisement may have been unintentional, but it was nevertheless the consequence of the law."

## FEDERAL COURT CASES CONT'D

Residence Requirement - Durational

Hinnant v. Sebesta, 363 F. Supp. 398 (M.D. Fla. 1973).

This case involved consolidated suits challenging the constitutionality of the Florida statute (Florida Statutes Annotated §§97.041, 951(4)) requiring a minimum durational residency of 60 days preceding the election as a prerequisite to voter registration. A three-judge district court held that, since Florida has already determined at least under its present statutory scheme, that 30 days is sufficient to accommodate its needs between the end of voter registration and election day, the 60-day durational residence requirement is unconstitutional and fails to pass the stringent standard of Blumstein, 405 U.S. 330, 344 (1972).

Residence Requirements - Married Women - Nineteenth Amendment

Kane v. Fortson, 369 F. Supp. 1342 (N.D. Ga. 1973).

In an action challenging the constitutionality of the Georgia Code §§ 403, 79-407, and 34-632 insofar as they deny a married woman in Georgia the right to establish a domicile and residence for voting purposes independent of that of her husband, a three-judge district court held that such statutory provisions violated the Nineteenth Amendment.

The Court found that the joint operation of the Georgia voter registration statutes, insofar as they establish an irrebuttable presumption that domicile and residence of a married woman is that of her husband, thereby preventing her from registering to vote in Georgia violates the Nineteenth Amendment.

Residence Requirements - Students

Ballas v. Symm, 494 F.2d 1167 (C.A. 5, 5/24/74).

This case involved an action brought by a college student seeking to register to vote. The United States District Court for the Southern District of Texas denied a temporary injunction and held the action could not be maintained as a class action. The Fifth Circuit Court of Appeals affirmed holding (1) that a federal court should abstain from determining whether the use of a questionnaire to determine residency deprived the student of federal rights, (2) the use of the questionnaire did not deprive the student of federal rights, and (3) that the question of the maintenance of the action as a class action was moot.

## FEDERAL COURT CASES CONT'D

According to the Court, the voter registrar's use of the questionnaire to determine whether the college student was a resident for the purposes of voting did not violate the civil rights of the student or deny him equal protection of the laws.

Voting Rights Act of 1965 - Exemption From Coverage

Commonwealth of Virginia v. United States, \_\_\_\_ F. Supp. \_\_\_\_ (D. D.C., Civ. Act. No. 1100-73, 9/18/74).

In this action, the Commonwealth of Virginia sought a declaratory judgment to exempt it from coverage by the Voting Rights Act of 1965 (42 U.S.C. §1973). Section 4(a) of that Act forbids the application, in any jurisdiction covered by the section, of any literacy test or any other test or device as defined by the Act. (42 U.S.C. §1973b (a)).

Under the Voting Rights Act, in order to gain an exemption, a state or political subdivision "need no more than submit affidavits from voting officials, asserting that they have not been guilty of racial discrimination through the use of tests and devices during the past five years, and then refute whatever evidence to the contrary may be adduced by the Federal Government." South Carolina v. Katzenbach, 383 U.S. 301, 332 (1966). After examining the evidence, the three-judge court held that Virginia has not presented any evidence to show that its "dual educational systems had no appreciable discriminatory effect on the ability of persons of voting age to meet a literacy requirement." Gaston County v. United States, 395 U.S. 285, 291 (1969). Consequently the motion by the Commonwealth of Virginia for a summary judgment was denied, and a motion for summary judgment by the United States was granted.

Voting Rights Act of 1965 - Municipal Annexation

City of Richmond, Virginia v. United States, 376 F. Supp. 1344 (D. D.C. 5/29/74).

The City of Richmond, Virginia, instituted an action seeking a declaratory judgment as required by the Voting Rights Act of 1965, that its method of electing its city council from its previous at-large system to a nine-ward, single-member district plan, did not have the purpose and effects of the City's annexation and the changes in its election

## FEDERAL COURT CASES CONT'D

practices which followed were illegally discriminatory in that the annexation was intended to and did, dilute the black vote. Accordingly, the application for the declaratory judgment was denied.

Voting Rights Act of 1965 - Racial Discrimination

Coalition For Education In District One v. Board of Elections of the City of New York, 370 F. Supp. 42 (S.D. N.Y. 1974).

An action was brought by minority residents of a school district against the New York City Board of Education and Elections seeking a judgment declaring a school board election invalid. The District Court held that various intentional and unintentional irregularities in the election resulted in racial discrimination and deprived minority voters of their constitutional rights and that the election should therefore be declared invalid and a new election ordered.

The Court found that the practices employed by the school board in election board in the conduct of the school board election, including facts that the polls did not open on time, that parent materials and bilingual materials arrived late or not at all, that documentary identification requirement was employed at the polls serving minority voters almost exclusively, and the inspectors and interpreters were inadequately prepared, resulted in the election being conducted in a manner which denied minority voters equal protection of law. (Voting Rights Act of 1965 as amended 42 U.S.C. §§1973, 1973b, 1973c, and 1973aa).

Voting Rights Act of 1965 - Redistricting

Beer v. United States, \_\_\_\_ F. Supp. \_\_\_\_ (D. D.C. 3/15/77).  
Civil Action No. 1495-73. On appeal to U.S. Sup. Ct., docket number 73-1869.

This action came before the United States District Court for the District of Columbia for a declaratory judgment that the New Orleans' redistricting plan for councilmanic election complied with the requirements of §5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c (1970)) and that the plan did not have the effect of abridging, on account of race, and the right to vote in councilmanic elections. The three-judge court denied the declaratory judgment, found that New Orleans' plan of redistricting for councilmanic elections did have the effect of denying and abridging the right to vote on account of race.



## FEDERAL COURT CASES CONT'D

The Court noted that New Orleans had the burden of showing that the redistricting plan in question does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color. The Court found that the likely result of constructing vertical councilmanic districts will be to divide the major black neighborhoods and to curtail the voting power of the black groups. As the Court stated: "We find that the inexorable consequence of the plan will be a drastic reduction in the voting strength of the black minority in such elections." Furthermore, the Court noted that another factor denoting the minority's unequal access to the political processes is its consistent inability to elect candidates to office; it was noted that never has a black candidate won an election to New Orleans City Council.

The Court also found that that part of the plan whereby two councilmen are selected at-large had the effect of impermissibly minimizing the vote of the black minority. According to the Court: "In each instance we accepted the obvious fact that on an at-large basis the black voters of New Orleans were a minority, and for purposes of measuring dilution we took the two at-large seats for what they are - the expectancy of the white vote."

STATE COURT CASES

Absentee Ballots - Type of Marking

Lorenzen v. McAfee, 351 N.Y.S. 2d 108 (Sup. Ct., Fulton County 1973).

In a preceeding for a recanvass of votes in absentee ballots, the Court held that an absentee ballot marked in red ink was invalid in light of the New York Election Law §§120 and 202 that required such ballots be marked "in pen having blue or black ink or a pencil having black lead." Also the Court held that, where another absentee ballot was properly marked except that one voting square was circled and the word "omit" was written just above and in close proximity to a square and within a blocked enclosure for all candidates for office of Supreme Court Justice, such irregular marking rendered the ballot invalid.

Absentee Ballots - Validity

Gargano v. Downey, 309 A. 2d 347, 30 Conn. Sup. 254 (1973).

In an action in which the plaintiff claimed aggrievement by a ruling of a moderator at an election for position of warden of the borough, the Superior Court of Connecticut, New London County, held that the failure of the borough clerk to insert the name of the borough on certain of the inner envelopes containing absentee ballot did not render such ballots invalid where no fraud was involved and where it could be established otherwise that voter was an elector of the borough.

Advertising and Solicitation - Campaign Committees

Charda Advertising Agency v. LeTendre For Congress Committee, Wisconsin Supreme Court, docket number 308, decided 1/4/77

This case involved an action on a contract to recover from a political campaign committee for advertising services and for mon advanced in purchasing materials for the campaign. The Wisconsin Supreme Court held that the fact that the individual defendants held positions in a voluntary political campaign committee usually associated with policy making was sufficient to infer that they were members of the committee and thus liable for such debts.

## STATE COURT CASES CONT'D

The defendants argued that modern campaign reporting requirements make the rule that every member of a voluntary association is liable for the debts of the association inapplicable. The Court disagreed and found that modern campaign reporting laws are not designed to protect people doing business with campaign committees.

Advertising and Solicitation - Charges Against Candidate

Town of Lantana v. Pelczynski, 290 So. 2d 566 (Dist. Ct. of Appeal of Florida, Fourth District).

This case involved a defendant who was tried and convicted in the Municipal Court, for violating a Lantana ordinance. On appeal the Circuit Court for Palm Beach County overturned the conviction, and the town petitioned for certiorari.

In denying the petition for writ of certiorari, the District Court of Appeal held that the Lantana ordinance making it unlawful to publish or circulate a charge against a candidate not personally served with the charge at least seven days prior to the day of election constituted prior restraint on freedom of speech.

The Court noted that it is unfair to withhold charges against a candidate until the eleventh hour before divulging them and thus deprive the candidate of time to effectively reply, but it is not constitutionally permissible, in order to prevent that abuse, to bar dissemination of all true, newly learned charges which the electorate should know about simply because facts were learned after some arbitrary date.

Apportionment and Redistricting - States - Legislative

People Ex Rel. Pierce v. Lavelle, Ill. Supreme Court, docket number 46273.

This case involved an action seeking a writ of mandamus compelling members of the State Electoral Board to hold an election for senator in 1974 in each of Illinois 59 legislative districts. The petitioners contended that because the 1972 elections were held

## STATE COURT CASES CONT'D

under a judicially adopted provisional redistricting plan, rather than the one adopted pursuant to the constitutional scheme, all senators elected in 1972 were elected for only 2 years rather than the usual 4 years and senators must again be elected in all districts in 1974.

The Court refused to hold that all districts must elect senators in 1974. It found that there were no compelling reasons why the terms of the senators should be shortened. It found that the senators are *de jure* officers having been legally elected under a constitutional requirement regarding apportionment and redistricting.

Ballots - Order of Candidates' Names

Huff v. State Board of Elections, 57 Ill. 2d 74 (3/29/74).

This case involved the sequential order in which candidates are listed on the ballot in Illinois elections. The Court found that the order of candidates' names on ballots must be determined by a nondiscriminatory method. According to the Court, the intent of sections 7-12 and 8-9(3) of the Election Code is that the certification of the sequential order of candidates' names on the ballot must be by lot or other nondiscriminatory method, and a directive by the Secretary of State whereby all mailed petitions on hand at the Secretary's office at 8 o'clock on the morning of filing and petitions presented in person as of 8 o'clock on that morning were to be included in a lottery to determine ballot position is a ballot placement procedure which is fair and free from discrimination.

Ballots - Recount

State Ex Rel. Lydick v. Brown, 516 P.2d 239 (Sup. Ct. Okla. 1973).

An original proceeding was instituted for a writ of prohibition to prevent the district court judge from enforcing an order requiring the election board to recount all ballots cast in a municipal election. The Supreme Court of Oklahoma held that, absent allegation of fraud, misconduct or mistake in fact in connection with a municipal bond election, a voter was not entitled to a recount of votes cast in the election.

## STATE COURT CASES CONT'D

Campaign Financing - County Legislation

Montgomery Association, Inc. v. County Council For Montgomery County, Circuit Court for Montgomery County, Md., Equity No. 50030, 8/28/74.

This case considered the validity of three laws relating to campaign financing that were enacted by the Montgomery County Council in legislative session, namely Bill 19-74, Bill 16-74, and Bill 37-74. Bill 19-74 was enacted on July 9, 1974 and was known as the "Fair Election Practices." Among other things, this bill would prohibit the receipt of contributions from any corporation organized for profit; also it would set up additional reporting requirements to be complied with by the candidate and the candidate's treasurer. Bill 16-74 was enacted on July 16, 1974 and was entitled "Campaign Expenditures and Contributions." This bill would restrict the contributions of certain candidates and limit expenditures to a sum not to exceed in the aggregate the equivalent of 25 cents times the number of registered voters of the County. And Bill 37-74 was enacted on July 16, 1974 and was entitled simply "Elections." This bill provided for additional reporting procedures and specifically required a filing of a report within 24 hours for each expenditure or obligation for future expenditure in excess of \$1,000.00.

The Court concluded that Article 25-A, Section 2 of the Maryland Code, when either read alone or in the light of the State Legislature's subsequent actions, compels the conclusion that the State has reserved and thus has not delegated to charter counties, the power to regulate elections. Moreover, the Court found that the comprehensive and detailed action of the Maryland Legislature in the field of election regulation offers at least some corroboration of the determination that the State intended to retain, rather than to delegate, such power. It was also pointed out that there was an apparent conflict between the County legislation and State legislation in the area of corporate contributions, in which case State legislation would preempt County legislation. Accordingly, the laws were declared invalid by the Court.

Campaign Financing - Expenditure Limitations - Constitutionality

Bare v. Gorton, Supreme Court of Washington, No. 42879, 9/12/74.

This case involved an action for declaratory judgment to have declared unconstitutional section 14 of Initiative 276 (\$42.17.140 of

## JUDICIAL DECISIONS

### STATE COURT CASES CONT'D

the Revised Code of Washington). Section 14 imposed spending limitations on campaign expenditures in any election campaign for public office or in connection with ballot propositions.

The Supreme Court of Washington upheld the judgment of the trial court declaring section 14 unconstitutional. According to the Court, section 14 is fatally defective because it can operate to prohibit absolutely persons from exercising their constitutionally guaranteed freedom of speech. Also, to communicate effectively with the mass of voters, one cannot be limited to verbal communication, person-to-person, but must use the media in one form or another; such protected rights include dissemination, distribution, and the correlative rights of the public to receive such expressions of opinion. The Court noted that, if a person has spent the maximum allowable he is absolutely barred from any communication which involves expenditure, even the contribution of personal services beyond the statutory minimum. As the Court put it: "Both in terms of the potential of absolute prohibition and for lack of narrow regulation drawn with precision and specificity, section 14 is unconstitutional."

#### Campaign Financing - Supplemental Financial Statements

Bergan v. Kohinke, 350 N.Y.S. 2d 850 (1973).

This case involved a proceeding to compel a candidate to file supplemental campaign financial statement. The Supreme Court (Trial Term, Albany County) held that the proceeding was not timely commenced, where the petition was filed so late that the respondent could refrain from filing a supplemental statement until after election. In dismissing the petition, the Court noted that it could compel a supplemental financial statement to be filed by any person required to file a statement of receipts, expenditures or contributions for campaign purposes who has filed a statement which does not conform to the requirements of the New York Election Law in respect to its truth, sufficiency in detail or otherwise.

#### Candidates - Bicameral Legislature - Mobility

Vaughn III v. Sullivan, Sup. Ct. of Mich., 1/19/74.

The Supreme Court of Michigan concluded that the Michigan Constitution, 1963, Article 4, §89 does not prevent an otherwise qualified incumbent State Representative from being a candidate

## STATE COURT CASES CONT'D

a vacancy in the State Senate. The Court noted that in adopting the Constitution the People did not intend that members of a bicameral Legislature should be separated by a barrier which prevents movement between the two houses by popular election.

Candidates - Campaign Treasurer - Designation

Stovall v. Cook, Court of Appeals of Kentucky, No. 74-440, 8/6/74.

This case concerned a Kentucky statute (Kentucky Revised Statutes §123.071) which requires that a candidate for elective public office designate a campaign treasurer at the time and with the office he files as a candidate and that, until such requirement is met, his qualifications as a candidate shall not be complete and his filing papers shall not be accepted. The Appellee did not designate a campaign treasurer at the time he filed as a candidate, and he was refused a place on the primary ballot. The lower court and the Court of Appeals of Kentucky held that the Appellee was entitled to a place on the ballot since the penalty provisions of §123.991 of the Kentucky Revised Statutes (relating to Corrupt Practices) cannot reasonably apply to a mere delay in appointing a campaign treasurer in the manner and in the time provided by §123.071. Hence, the Appellee's temporary default in that respect did not amount to a violation of the Corrupt Practices statutes. Also, the Court noted that such penalty provisions cannot apply to a simple failure to make the designation on or in the precise form prescribed by the Registry.

Candidates - Certificate of Declination

STATE COURT CASES CONT'D

Candidates - Certificate of Election

Durham v. Barrett, 305 N.E. 2d 201 (Appellate Court of Illinois, First District, Fourth Division 1973).

A candidate for the post of Democratic Committeeman for the 29th Ward in the City of Chicago who received the second highest number of votes sought a writ of mandamus to compel the county clerk to issue a certificate of election to him after the winner of the election was disqualified. According to the holding of the Appellate Court the county clerk had the duty to deliver the certificate of election only to the person who was shown to be elected by the returns and the candidate was not entitled to the certificate of election on the theory that the county clerk should have disregarded the ballots cast for the winner since all persons who voted for the winner must have known him personally and known him not to be a resident of the ward.

Candidates - Criminal Offenders

Woods v. Mills, Ct. of Appeals of Ky., docket number 73-10 decided 1/4/74.

In an election contest challenging the election of a candidate who had previously been convicted of a felony, the Court held that the candidate's felony conviction rendered him ineligible to be elected a candidate for the office of sheriff or to hold the office of sheriff in accordance with sections 50 and 145 of the Constitution of Kentucky.

The Court also held that the challenging candidate who had the election could not be declared the winner and succeed to the rights of the office since he did not receive a majority of the votes cast in the election. Accordingly, it was held that the election of the office of sheriff was void and the office vacant.

Candidates - Durational Residency Requirements

Gilbert v. State, 43 L. W. 2147 (Alaska Sup. Ct. 9/30/74).

The Alaska Supreme Court held that the requirement that candidates for state legislature reside in the State for three years and in the legislative district for one year immediately prior to the



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for office neither denies equal protection nor unconstitutionally burdens the right of interstate travel. The Court noted three justifications for upholding state durational residency requirements for such candidates. First, the requirements are necessary to permit exposure of the candidate to his prospective constituents so they may judge his character, knowledge, and reputation. Second, they are needed to ensure that legislators are familiar with the diverse character of the State where they will participate in the lawmaking process. Third, specific periods of residency allegedly protect the state from frivolous candidates. The Court found that the first two of these interest are compelling.

Such interests were substantially the same as those that were found sufficient to uphold New Hampshire's seven-year residency requirement for its governorship in Chimento v. Stark, 353 F. Supp. 1211, aff'd, mem. 414 U.S. 802 (1973). The United States Supreme Court affirmed Chimento without an opinion.

Ravenel v. Dekle, Supreme Court of South Carolina, 9/23/74.

The petitioner was the winner in the recent Democratic primary and, according to his petition, was entitled to be certified by the South Carolina Democratic Party as its nominee for the office of Governor of the State of South Carolina in the November election. Under the provisions of the South Carolina Constitution, Art. IV, Section 2, "No person shall be eligible to the office of Governor ... who shall not have been... a citizen and resident of this State for five years next preceding the day of election."

The Court found that the constitutional provision requires actual residence in the State for the five year period and that the petitioner did not meet such requirement.

This case was also brought before a three-judge federal district court, Kanapaux v. Ellisor, U.S. D.C. D. S.C., Civ. Act. No. 74-1356 (9/26/74). The Court considered the constitutionality of the South Carolina durational residency requirement and found that the requirement was not unconstitutional and unreasonable. The Court based its decision on Chimento v. Stark, 353 F. Supp. 1211, aff'd, mem. 414 U.S. 802 (1973), which found New Hampshire's seven-year residency requirement for its governorship to be constitutional. Chimento was affirmed without opinion by the Supreme Court.

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The Kanapaux case was appealed to the United States Supreme Court (docket number 74-377), and the Court affirmed without opinion the ruling that Charles D. Ravenel was ineligible to become the Democratic candidate for Governor of South Carolina because he had not lived in the State for five years.

Candidates - Filing Fees

Nelson v. Welch, 499 S.W. 2d 927 (Ct. of Civil Appeals of Tex. 1973).

In an original proceeding to compel the city mayor and council to accept relators' applications to appear on the ballot as candidates in municipal elections without having tendered either a filing fee as required by city charter or submitted a petition signed by qualified voters as required by a municipal ordinance, the Court held that it had no authority to issue a writ of mandamus against the mayor and council and that the compelling governmental interest to insure fair and orderly election by controlling the size of the ballot was satisfied by requirements under city charter and municipal ordinance that the candidate either pay a reasonable filing fee or file a nominating petition signed by a reasonable number of citizens qualified to vote in the election.

Swanson v. Kramer, 82 Wn. 2d 511 (Wash. Sup. Ct. 1973).

In an action by plaintiffs, who sought nomination to public office and claimed that they could not afford the payment of the filing fee and the cost of campaign advertising in the candidate's pamphlet, the Supreme Court affirmed the lower court's summary judgment of dismissal.

The Supreme Court found that the requirement of reasonable fee of candidates for public office as a means of assessing a slight larger part of the costs of elections on the candidates than on the electorate, of avoiding frivolous candidates, and of preventing overcrowded and confusing ballots, provides a rational basis for achieving legitimate state interests, and constitutes a valid and constitutional exercise of the state's legislative power, particularly when a write-in candidacy may be conducted without payment of any fee.

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Candidates - Filing Fees - Indigents

Cassidy v. Willis, Delaware Sup. Ct. (7/11/74), 43 L.W. 2046.

The Delaware Supreme Court held that the law which required primary candidates to pay a political party filing fee amounting to two percent of the salary for the entire term of the office sought does not, when applied to non-indigent candidates, violate state or federal constitutions. The Court distinguished the plaintiffs from the candidates in Lubin v. Panish, 415 U.S. 709 (3/26/74) in which the United States Supreme Court held that a filing fee requirement may not be used to deny an indigent candidate access to the ballot. The Delaware Supreme Court noted that the plaintiffs were not indigent and were financially able but unwilling to pay the filing fee.

The Court also rejected the plaintiffs' argument that the Delaware statutes requiring such filing fees are unconstitutional on the ground that, as applied to candidates for the state legislature, they add to the exclusive qualifications for office stated in the Delaware Constitution. According to the Court, a filing fee is not an added qualification for office; it is a requirement for candidacy, and the State has a legitimate interest in regulating the number of candidates on the ballot and a duty to protect the integrity of its political processes from frivolous candidates.

Candidates - Independent - Ballots

State Board of Elections v. Forb, 199 S.E. 2d 527 (Sup. Ct. of Va. 1973).

This case involved Section 24.1-111 of the Virginia Code which relates to the form of ballots to be used in elections. The method set forth in that section of treating independent candidates was challenged by an independent candidate for the House of Delegates.

On appeal the Supreme Court held that the statute which provided for separation of political groups from each other by space on the ballot, but which grouped independent candidates together rather than separating them from each other by the same discernibly larger space that separated political groups from each other did not discriminate against the independent candidate, deprive him of his right of freedom of association or restrict the citizens' right of franchise by creating unnecessary confusion.

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Candidates - Names on BallotsAlaimo v. Burdge, 63 N.J. 574 (Sup. Ct. of N.J. 1973).

Action was brought relating to arrangement of candidates' name on ballots. On certification to the Superior Court, Law Division the Supreme Court held that alignment of all governor candidate with county states or row bearing designation as the official regular organization of one political party was void and that consensus arrangement of all governor candidates to run on single row of ballots with drawing for line or column position must be given effect.

Candidates - Nominating PetitionsDevane v. Touhey, 394 N. E. 2d 229 (Ct. of Appeal, N. Y.).

This case involved a challenge of the constitutionality of §138-b the New York Election Laws which provides that any candidate who has received and accepted the nomination of a party for office other than judicial or state-wide shall not be eligible to receive the nomination of any independent group for the same office for the same year. The Court held that the statute was unconstitutional as a denial of equal protection in light of the fact that candidates who were nominated by two separate parties were allowed to have their names appear in two separate rows or columns for the same office.

Candidates - Political Party RegistrationHayakawa v. Brown, Calif. Sup. Ct., S. F. 23082, decided 2/26/74

The California Supreme Court denied a petition seeking to overturn an Elections Code requirement that a candidate for a partisan office must have been registered with that political party for at least 12 months prior to filing his declaration. The petition had been filed by Dr. S. I. Hayakawa, as a candidate, and by David Daze, as a registered Republican voter.

Dr. Hayakawa, formerly a registered Democrat, changed to Republican party on August 30, 1973, and subsequently sought to file as a Republican candidate for U.S. Senator. That filing was denied by the Marin County Clerk, pursuant to Section 6401 of

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State Elections Code which prohibits certification of a candidate for political office if he was affiliated with a different political party within the prior 12-month period. Because he switched parties in August 1973 Hayakawa would not have been a registered Republican for a one-year period either before the March 8, 1974 deadline for declaring his candidacy or before the June 4 General Election.

On March 4, 1974, Justice William O. Douglas denied a request by Dr. Hayakawa for a stay of the California Supreme Court ruling.

Candidates - State Senators

Brimmer v. Thomson, 521 P.2d 574 (Sup. Ct. Wyo. 1974)

The Supreme Court of Wyoming considered whether an incumbent State Senator whose term did not expire for several years was prohibited or ineligible to seek and hold the office of Governor by virtue of §8, Article 3 of the Wyoming Constitution, which states that, "No senator or representative shall during the term for which he was elected, be appointed to any civil office under the state. . . ." The Court held that the constitutional prohibition against the appointment of a senator or representative to any state civil office during term for which he has been elected did not preclude incumbent state senators from seeking and holding the office of governor prior to the expiration of their terms. The Court reasoned that the writers of the Constitution knew the plain meaning of the words "appoint" and "elect," and that the examination of other sections of the Constitution demonstrates that understanding and distinction.

Candidates - Succession Statute - Constitutionality

Kneip v. Herseth, 214 N.W. 2d 93 (Sup. Ct. of South Dakota 1974).

In this case Plaintiff Governor Kneip, a declared candidate for the 1974 Democratic nomination for Governor filed suit against the Secretary of State and the Attorney General for a declaratory judgment that the statute preventing a person from being nominated for governor for a third successive term is unconstitutional and inapplicable to him. The Supreme Court held that the trial court had jurisdiction to enter a declaratory judgment and that such statute did not prevent the candidate from seeking his party's nomination.

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The Court noted that the operation of the constitutional amendment which provided that commencing with the 1974 general election no person shall be elected to more than two consecutive terms as governor is prospective and did not bar the Governor who was an announced candidate for governor from seeking the gubernatorial nomination of his political party in the 1974 primary election. (See South Dakota Compiled Laws §12-6-2 and South Dakota Constitution Article 4, §2.)

Candidates - Voting Pamphlets - Filing Fees

Knoll v. Davidson, Supreme Court of California, # S.F. 22904, decided 8/15/74.

In this case the California Supreme Court held §§6551 and 6554 of the California Elections Code, which establish payment of a filing fee as the only means by which a candidate (including write-in candidates) can qualify for a place on the ballot violates the equal protection clause. However, they also held that, while a candidate cannot be required to prepay his pro rata share of the printing and distribution costs of the voter pamphlet, he can be billed his pro rata share after distribution, under §10012.5. Under the language of this statute, this decision is optional with each local agency involved in preparation of the pamphlet.

The Court also held that provisions of the Elections Code for challenging errors in the direct primary ballot involve procedures that are appealable to the Supreme Court.

Conflict of Interest and Disclosure Law

County of Nevada v. MacMillen, (Calif. Sup. Ct., 6/17/74).

The California Supreme Court unanimously upheld a newly-enacted state conflict of interest and disclosure law and found that the law is neither impermissibly overbroad nor unconstitutionally vague. The new law is applicable only to certain higher level public officials and candidates for such offices. The type of prohibitions that the Act is concerned with are only those "substantial" conflicts of interest relating to public agency action or decisions having a "material economic effect" on an official's private finances. The Act requires such officials to disclose only whether the value of

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their investments and real property interests exceeds \$10,000 and whether their total income, loans, and gifts during the year exceed \$1,000.

The Court found that the Act did not intrude unnecessarily into personal privacy and that the Act is sufficiently precise to give adequate warning to such public officials of its requirements. According to the Court, a "substantial" conflict or a "material" effect upon an economic interest is a conflict or effect that could undermine the Act's goal of honest government "by providing an economic incentive for deciding a particular official matter without regard to its merits, or with regard to its effect upon the official's pocketbook."

Election Contests

Price v. Check, 203 S.E. 2d 751 (Ct. of Appeals of Ga., Division No. 2, 1973)

In an election contest of various county offices in Macon County, Georgia, the Court of Appeals held that, where a copy of an election contest was not served upon the chairman of the state election board, the board was not served as is required by the Georgia Code Annotated §34-203 (d) and was not legally in court. Thus, failure to serve the chairman of the state elections board as required by law was a fatal defect to attempt to contest the election.

Election Contests - Candidates - Write-in Candidates

Knowles v. Holly, 82 Wn. 2d 694 (Wash. Sup. Ct. 1973).

In an election contest challenging the election of a write-in candidate on the ground that illegal votes had been counted, the Court in reversing the lower court's decision, held that the alleged illegal write-in votes were valid even though an "X" was not put after the candidate's name and the name of the candidate was put in the wrong columns.

The Court found that a voter need not mark an "X" after the name of a write-in candidate to comply with sections 29.51.100 and 29.51.170 which authorizes voting for write-in candidates. Also, according to the Court, when placing the name of a write-in candidate on a paper ballot in a general election, a voter need not, by placement of the candidate's name or otherwise, indicate the candidate's party affiliation.

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Election Contests - Names on Ballot

Fletcher v. Teater, Ct. of Appeals of Ky., docket number 73-1072, decided 1/4/73.

In an action challenging the nomination and election of a candidate on the ground that the right of a candidate to have his name appear on the ballot in the general election was subject to a post election contest, the Court dismissed the complaint and allowed the candidate's name to appear on the ballot despite the post election contest.

The Court, in quoting from Fletcher v. Wilson, 495 S.W. 2d 787, (Ky. 1973), asserted "that even in a proper contest suit, by a defeated candidate, questions should not be permitted to be raised as to the right of a person to be placed on the ballot as a candidate because such questions should be decided before the voting takes place," "that the real basis of the holding in the group of cases just above cited is that eligibility of a candidate for nomination or election should under the policy hereinbefore mentioned be determined before the voting takes place," and "that questions related to the placing of the candidate's name on the ballot should be determined before the voting."

Election Contests - Presumption of Validity

Cowger v. Mathis, 501 S.W. 2d 212 (Sup. Ct. of Ark. 1973).

In an action to contest and void a tax millage levy approved by the voters in a regular school district election, the Supreme Court of Arkansas, while holding that the petition did not state a cause of action and that the amendment thereto would not be allowed, asserted that courts do not favor disfranchising a legal voter because of misconduct of another voter. The Court added that a presumption attends every election that it is conducted according to the law and the presumption of validity cannot be overcome by mere charges of fraud or illegalities.

Election Offenses - Embezzlement of Voter

State of New Hampshire v. Perry, 309 A.2d 908 (Sup. Ct. N.H. 1973).

In denying the defendant's motion to dismiss the criminal complaint, the Supreme Court of New Hampshire held that the statute



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(Revised Statutes Annotated 69:9), which provides a penalty if a moderator at any meeting fraudulently embezzles any vote from the number of legal votes cast or adds any vote thereto, encompasses activities occurring at a ward primary and applies to the conduct of ballot stuffing whether before, after or during the balloting and is applicable to Manchester municipal primaries and to ward moderators of that city.

Financial Disclosure - Elected Officials - Reporting Requirements  
- Lobbyists

Fritz v. Corton, 83 Wn. 2d 275, 517 P.2d 911 (Wash. Sup. Ct. 1974).

The Supreme Court of Washington considered the constitutionality of several sections of Initiative Measure 276 which was approved and enacted into law by a substantial majority of the electorate at the general election in November 1972.

The Court held that the financial affairs reporting requirement of the Revised Code of Washington (RCW) 42.17.240 (Initiative 276, §24) is not an overly broad or unwarranted intrusion into the privacy of elected officials or candidates for elective positions, serves the public's right to information respecting the qualification or fitness of officeholders, and is a permissible burden upon the right to seek office or to vote for the candidate of one's choice. Such reporting requirements are within the power of the people to prescribe relative to public office.

The Court noted that while some intimate personal details about an elected official or a candidate for elective office may be beyond the scope of legitimate public interest, any information bearing on his fitness for office must be considered in the public domain and, as such, a limitation on the right to privacy of such an official or candidate. Moreover, the Court added that, as an essential corollary of freedom of speech, the public's right to receive information concerning the fitness or qualification of an elected official or candidate for public office operates over a broad scope and is superior to such an officer's or candidates' right to privacy.

The Court also held that the lobbyist registration requirement of RCW 42.17.150, the lobbyist activity reporting requirement of RCW 42.17.170, and the lobbyist employer's reporting requirement of

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RCW 42.17.180 (Initiative 276, §§15, 17, and 18) do not interfere with the constitutionally protected right of a citizen to petition his government, but merely seek to insure that both the citizenry and public officials have access to information as to expenditures made in efforts to affect governmental decision making. An informed electorate has a right to know such information.

Government Employees - Political Activities

Alex v. County of Los Angeles, Ct. of Appeal, Second Appellate District, Division 1, decided 12/19/73.

A judge of the Municipal Court of Los Angeles County ran for the office of U. S. Congressman and was required to take a leave of absence without pay at the time of his declaration of candidacy in accordance with Article VI, section 17 of the California Constitution. A constitutional challenge was then brought against that provision.

The Court held that Article VI, section 17 (1) was not discriminatory nor a denial of the "equal protection" guaranteed by the Fourteenth Amendment, (2) was not unconstitutionally vague, uncertain and overly broad, and (3) was not an unconstitutional attempt by the State of California to prescribe additional or different eligibility requirements to the constitutional office of United States Congressman.

The Court took note of the recent case of United States Civil Service Commission v. Letter Carriers, 413 U.S. 548 (1973), which held the Hatch Act constitutional and recognized the well-established governmental interests in restricting political activities by federal employees. Similarly, the Court found that the compelling, legitimate purpose and policy underlying Article VI, section 17 of the California Constitution are (1) to save the judges from the "entanglements, at times the partisan suspicions" which may result when a judge engages in the extrajudicial activity of campaigning for public office; and (2) "to conserve the time of the judges for the performance of their work" so as not to "embarrass, if not in fact impede, the orderly and proper discharge of their judicial functions." (See Abbott v. McNutt, 218 Cal. 225, 22 P.2d 510)

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Initiative and Referendum - Election Offenses

State of Oregon v. Campbell, Campf and Collins, 506 P.2d 163  
(Sup. Ct. of Or., 1973).

Petitioners were convicted by the trial court of violation of Oregon Revised Statutes, section 254.590: "No person shall give, pay or receive any money or other valuable consideration for securing signatures of electors upon any petition for the initiation of any measure or referendum on any measure or for the recall of any public officer." Two of the petitioners sponsored a referendum for an agreed-upon amount. The Court of Appeals affirmed the convictions and the Supreme Court granted review.

The Supreme Court affirmed the convictions, upheld the constitutionality of the statute and held that it prohibited the payment of compensation only to those who personally solicit or secure signatures on initiative or referendum petitions. According to the Court, the evidence showed that "the defendants Campf and Collins paid the money, and were aware of what it was going to be used for and were aware that it was used for the purposes indicated, namely paying canvassers and that therefore their conduct comes within the band[sic] of the statute just as much as Mr. Campbell's does..."

Municipalities - Public Improvement Propositions

Monroe Redevelopment Agency v. Faulk, 287 So. 2d 578 (Ct. of Appeal of La., 2d Circuit).

A suit was brought by the redevelopment agency of the city of Monroe, Louisiana to expropriate private property situated in the city for flood control projects. The Court of Appeal held that the City redevelopment agency had the power and the authority to acquire private property for flood control projects approved by the electorate and that the proposition submitted to the electorate did not constitute "logrolling" so as to deprive voters of a fair opportunity to cast a vote yes or no on each of the projects included in the proposition.

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The Court asserted that, if there exists a natural relationship between objectives to be voted on, they can be submitted in one proposition. Also if the proposals are part of one general plan or scheme which do not involve incongruous purposes, the blending of separate propositions does not arise.

Notice of Election

Eustace v. Speckhart, 514 P.2d 65 (Ct. of Appeals of Ore., 1973).

An action was brought by the board of directors of a school district validating a school bond election. The Circuit Court entered an order validating the election and the respondents appealed. The Court of Appeals affirmed holding that notwithstanding the statutory requirement that the second newspaper notice of school bond election be published not more than 14 days prior to the election, a publication of the newspaper in which the notice appeared 16 days prior to election did not invalidate the election.

Political Parties - Committee Members

Fox v. Watson, 314 A.2d 31 (Commonwealth Court of Pennsylvania, 1973).

In a *quo warranto* action, the Commonwealth Court held that, under statutes giving political parties power to choose committee members and to fill vacancies in such office by their own rules, failure of the electorate or county committee of a political party to choose members resulted in vacancies subject to appointment by the party's own rules, notwithstanding statutes providing, with reference generally to election of party officers, that only the electorate may choose state committee persons. (See 25 Pennsylvania Statutes §§2601 et seq., 2831, 2834, and 2835)

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Political Parties - Loyalty Oaths

Hughes v. Kramer, 82 Wn. 2d 537 (Wash. Sup. Ct. 1973).

A writ of mandate was sought by petitioners, who were Communist Party candidates for state representatives, to compel the Secretary of State to accept their modified affidavits of candidacy rather than the affidavit required by Washington law (Revised Code of Washington 29.28.030).

The Washington Supreme Court denied the writ of mandamus. The Court found that the right to public employment or to seek public office may be conditioned on the giving of an oath to refrain from unconstitutional or illegal conduct relating to changing the form of government, but may not be conditioned on an agreement to limit to any degree the exercise of freedoms and privileges guaranteed by the First and Fourteenth Amendments of the United States Constitution.

The Court also found that that portion of the oath required by Washington law as a part of a declaration of candidacy, which disavows advocacy of violent overthrow of the government and membership in organizations having a similar purpose, is intended by the legislature to mean active incitement of such a violent overthrow of government and intent to carry out a similar unlawful organizational purpose and, therefore, is a constitutionally permissible condition to the seeking of public office.

Political Parties - Primary Elections - Crossover

Sperling v. The County Officers Electoral Board, Ill. Sup. Ct., decided 3/29/74.

The Illinois Supreme Court held that Illinois election laws, which forbid a voter in the primary of one party from signing a nominating petition for a candidate in the primary of another party and from being a candidate in the primary of another party for a two-year period, are invalid.

The Court, relying on Kusper v. Pontikes, 414 U.S. 51 (1973), noted that the State has a legitimate interest in limiting raiding by members of opposing political parties and in preserving the integrity of the electoral process. But the absolute prohibition of that change for two years is equally invalid as the 23-month restriction in Kusper, supra.

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Primary Elections - Ballot Selection

Missouri Ex Rel. McClellan et al v. Kirkpatrick, Supreme Court of Missouri, docket number 58438, decided 12/14/73.

The Supreme Court of Missouri, in an original mandamus action, considered whether the laws of Missouri require the voters to state to the election judges which primary ballot he desires to vote. In 1969 Missouri repealed the law (Revised Statutes of Missouri, §120.470 replaced by §120.460) which had the effect of removing from the law any requirement that a voter in a primary election state his ballot preference to a judge of election.

The Court held that a requirement that a primary election voter make his ballot choice known to the judges of election in order that the judges of election can deliver the ballot to the voter is not an unreasonable burden, if a burden at all, on the right to vote and does not violate the provisions of Article I, Section 25, or Article VIII, Section 2, of the Constitution of Missouri 1945, and is applicable to elections conducted by relators.

In support of its decision, the Court cited Rosario v. Rockefeller, 410 U.S. 752, 761 (1973) which held that a New York primary election law that required a primary election voter to enroll in a political party of his choice 30 days before the general election in November in order to vote in the next subsequent primary election did not violate a citizen's First and Fourteenth Amendment right of free association with the political party of his choice nor did such requirement constitute an onerous burden on the voter's right to vote.

According to the Court, the requirement that a primary voter receive the ballot he selects from an election official which necessarily requires the voter to make his ballot preference known to the election official is not an additional qualification for voting. Rather it is a procedure that is deemed appropriate to uniform and orderly elections where balloting is done at numerous polling places on election day throughout this state.

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Purge of Voters - DiscriminationDuprey v. Anderson, 518 P.2d 807 (Sup. Ct. of Colo. 1974)

This case involved an action by electors who were registered to vote at a general election but failed to do so and whose names were removed from the registration books pursuant to §49-4-21 of the Colorado Revised Statutes which requires that registration books be purged of those electors who fail to vote at a preceding biennial general election. The Supreme Court of Colorado held that the purging statute did not have the effect of unlawfully adding the act of registration as a qualification to vote and that the purging procedure did not result in an invidious discrimination between qualified registered electors who exercise their right to vote in general elections and qualified registered electors who do not vote. The Court noted that by purging the election list becomes more authentic and is not susceptible to fraudulent voting practices or other abuses of the franchise and that this is the legitimate state interest involved in the purging procedure which outweighs the light burden of re-registration.

Qualifications To Vote - Resident AliensPeople v. Rodriguez, Ct. of Appeal of Calif., 2nd App. Dist., Div. 5, docket number A 283168.

At issue was whether the limitation of the franchise to citizens works an invidious discrimination against aliens in violation of their rights secured by the due process and equal protection provisions of the U.S. Constitution. The Court of Appeal noted that classification based on alienage are subject to close judicial scrutiny. And laws which discriminate on the basis of alienage violate the due process and equal protection provisions of the Fourteenth Amendment unless the state sustains its burden of proving: (1) that the classification reasonably relates to the purpose of the law; (2) that the classification constitutes a necessary means of accomplishing a legitimate state interest; and (3) that the law serves to promote a compelling state interest. However, the Court added that, with respect to the exercise of the franchise, the United States Supreme Court has recently expressed the view that citizenship does constitute a permissible criterion for determining who shall be allowed to vote. (Sugarman v. Dougall, 413 U.S. 634 (1973)).

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Accordingly, the Court of Appeal held that where political rights - in contrast to social or economic rights - are concerned, citizenship is a valid criterion by which the State may measure the right to participate in the political process.

Reapportionment - Qualifications of Members of the LegislatureLegislature v. Reinecke, 10 C. 3d 396 (Cal. Sup. Ct. 1973).

The California Supreme Court chose to exercise jurisdiction to draft new reapportionment plans for the elections of 1974 through 1980. To carry out this jurisdiction, the Court appointed special masters to hold hearings and to formulate proposed plans to be presented to the Court for possible adoption.

In the instant decision, the Supreme Court accepted and adopted the recommended plans with minor exceptions. The Court found that it had examined the plans in the light of all objections which had been made and had concluded that the district lines, as drawn therein, represented reasonable applications of recommended criteria. The Court found no violation of equal protection requirements in the continuance of the staggered terms procedure in state Senate elections following reapportionment. With respect to Cal. Const., Art. IV, §2, subd. (c), providing that a person is ineligible to be a member of the Legislature unless he is an elector and has been a resident of California for 3 years immediately preceding his election, the Court held that the provision would not apply where, as a result of reapportionment, the new district lines did not exist in time for incumbent candidates and other candidates to select a residence so as to become a resident of a district for a year preceding the election. The Court declared that in such a situation, a person is eligible if he becomes a resident of the involved district by January 28, 1974, and otherwise complies with the election laws.



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Registration - Affidavit - Nomenclature

Allyn v. Allison, 110 Cal. Rptr. 77 (Ct. of App., 2d Distr., Div. 2 1973).

In considering a petition for a writ of mandate requiring the acceptance of petitioner's registration to vote, the Court held that the statute (§310 California Elections Code) requiring that the name of a woman be preceded by the designation Miss or Mrs. in the voter's affidavit of registration does not deny equal protection or invidiously discriminate.

The Court asserted that the statute which requires that the name of a woman be preceded by designation Miss or Mrs. in the voter's affidavit or registration but which does not require men to give information as to their marital status does not deny equal protection or invidiously discriminate, in that it is reasonable for the state to require such information as an aid in assuring that the previous registration has been canceled and that a woman will not vote twice.

Residence Requirement - Municipal Offices

Lawrence v. Issaquah, 84 Wn. 246 (Sup. Ct. of Wash., 1974).

Plaintiff was elected a Councilman of the City of Issaquah, Washington, but the Mayor and City Council refused to seat him because he failed to meet the one year residency requirement set forth in §35A.12.030 of the Revised Code of Washington for candidate under the mayor-council form of municipal government. The Washington Supreme Court upheld the validity of this requirement as being justified by a legitimate state interest, namely, that of affording a candidate an opportunity to become exposed to the needs and problems of the electorate, and for the electorate to observe the candidate. The Court noted that a 7 year residency requirement for Governor of New Hampshire had been upheld in v. Stark, 353 F. Supp. 1211 (D opinion 414 U.S. 802 (1973)), and that the one year residency requirement for o

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Voting Machines - Vote Recorders

Rary v. Guess, 198 S.E. 2d 879 (Ga. Ct. of Appeals, Division No. 3 1973).

In an election contest the Court held that, where a nondefective ballot voted by means of a vote recorder records a "no vote" because of the voter's failure to vote for any candidate for that office or because of the voter's failure to utilize properly the vote recorder by punching out the "Chad" with the instrument provided, the voter has disenfranchised himself with regard to that office.

DEPARTMENT OF JUSTICE RULING

Open Primary - Discrimination - Voting Rights Act of 1965

On April 26, 1974, the Department of Justice rejected Mississippi's proposed primary law on the ground that it would discriminate against black voters. In 1970, Mississippi enacted a law that would replace the system of Democratic and Republican primary elections to nominate candidates for federal and state offices with an open primary system. The law provided that candidates of both parties and independents would run in a single primary three weeks before the general election and that no candidate could be elected without a majority vote.

Under the present system, a candidate must win a majority vote either in the primary or in a subsequent runoff to gain a party nomination. But an independent candidate may enter the general election campaign and win with a plurality vote.

The Department of Justice found that such an open primary would diminish the chances for an independent candidate to be elected with a plurality vote. Also the open primary would have the practical effect of imposing a majority vote requirement on the general election which heretofore has been subject only to a plurality requirement. The Department of Justice asserted that it could not conclude that the changes in the primary system do not have a racially and discriminatory effect in violation of the Voting Rights Act of 1965.

## INTERNAL REVENUE SERVICE RULINGS

Federal Income Tax Treatment of Political Parties

The Internal Revenue Service on December 20, 1973 announced three revenue rulings dealing with the Federal income tax treatment of political parties, unexpended campaign contributions transferred to the United States Government by political committees, and the receipt and disbursement of funds by political candidates.

The first of these rulings, Rev. Rul. 74-21, provides that income tax returns for the year 1972 are due from political parties by April 15, 1974. In hardship cases, IRS will make appropriate arrangements for deferring payment of tax that may be due. IRS will also grant up to six-month extensions of time for filing 1973 returns and paying the tax that may be due on those returns.

The ruling holds that, for the type of political organization described in the ruling, a U.S. Corporation Income Tax Return, Form 1120, will be required. Other political organizations may, however, be able to show that they should be treated as trusts or partnerships.

In addition, Rev. Rul. 74-21 states that income to be reported includes interest and dividends, and net gains from the sale of contributed securities. Gains from sales of contributed securities before October 3, 1972, are not includible in income. The ruling also states that campaign contributions are not includible in income, and campaign expenditures are not deductible.

In the second ruling, Rev. Rul. 74-22, the IRS holds that unexpended campaign contributions transferred to the U.S. Government by a committee organized to elect a candidate to Federal public office are not considered as income to the candidate, the committee, or any of its members. The ruling holds that neither the candidate, the committee, any committee member, nor any contributor to the committee is entitled to a charitable contribution deduction as a result of the transfer, and that the transfer is not subject to gift tax.

The third ruling, Rev. Rul. 74-23, provides that political campaign contributions received by a candidate for public office and used for campaign purposes are not taxable to the candidate and campaign expenses are not deductible. However, income earned from the

INTERNAL REVENUE SERVICE RULINGS CONT'D

contributions, such as interest on bank deposits, dividends on contributed securities, and net gains on the sale of contributed securities, is taxable. As in Rev. Rul. 74-21, gains on sales of contributed securities prior to October 3, 1972, are not taxable.

Rev. Rul. 74-23 also provides that taxable earnings from campaign contributions, as well as deductible expenses, must be reported by the candidate on a U.S. Fiduciary Income Tax Return, Form 1041.

If returns were not filed for 1972, delinquency and failure to pay penalties will not be asserted if the return is filed and the tax paid by April 15, 1974. Also, as in Rev. Rul. 74-21, in hardship cases, IRS will make appropriate arrangements for deferring payment of tax that may be due, and up to six-month extensions of time will be granted for filing 1973 returns and paying the tax that may be due.

STATE ATTORNEY GENERAL OPINIONS

Florida - Attorney General Robert L. Shevin

Annexation - Propriety of use of Municipal Funds to Inform Voters -  
Issued 8/5/74

Municipal funds may be used to support or oppose the question of the annexation of territory to the municipality as this is a matter that affects and involves the interests of the municipality and its citizens. The funds may be disbursed through a nonprofit citizens' committee subject to appropriate audit and review of the expenditures by the city clerk.

The municipality is not a "person" or "corporation" or "political committee" within the purview of Chapter 106, Florida Statutes, of the Election Code. However, the Citizens' Committee, if it receives and disburses more than \$500 in support of or in opposition to the issue, must register as a political committee and comply with the other provisions of the Code applicable to political committees.

There are no limitations upon the amount that may be spent by a political committee in support of or in opposition to an issue to be voted upon by the electorate.

Campaign Financing - Payment to Accountant for Services in Preparing Statement of Disclosure - Issued 8/28/74

Pending legislative clarification, a payment to an accountant for services rendered to a candidate in the preparation of the statement of disclosure required of each candidate by Chapter 74-177, Laws of Florida, should be treated as an "expenditure" within the meaning of §106.011(4), Florida Statutes, and should be reported by the campaign treasurer pursuant to §106.07, Florida Statutes, and be made through the campaign treasurer in the manner prescribed by §106.11 Florida Statutes.

Financial Disclosure - Responsibility of the Secretary of State to Certify to the Board of County Commissioners that a Candidate has Intentionally Refused to File a Disclosure Statement and Must Be Removed from the Ballot - Issued 8/27/74

Upon a finding that a candidate has intentionally violated Part II Chapter 112, Florida Statutes, the Secretary of State has the legal authority and is obligated to certify to the appropriate Boards of County Commissioners that the candidate is no longer duly qualified.

STATE ATTORNEY GENERAL OPINIONS CONT'D

to have his or her name on the ballot and that the name must be removed from the ballot.

The Secretary of State has the responsibility to determine whether an intentional violation has occurred based upon all the evidence, but the Secretary of State should give great weight to the findings of the Commission on Ethics and should not disregard the findings of the Commission on Ethics in the absence of compelling evidence to the contrary.

Political Committees - Appointment of Campaign Treasurers - Congressional Candidates - Issued 11/21/73

A candidate for federal office as U.S. Senator or Representative to Congress may not appoint a political committee organized under the Federal Election Campaign Act of 1971 (Pub. L. 92-225) as his campaign treasurer. Candidates for such national offices are required by Section 2(1), Chapter 73-128, Laws of Florida, to appoint an individual who is a registered voter in Florida as his or their campaign treasurer. Any such qualified individual may be appointed and serve as the campaign treasurer of such candidate and of a political committee organized under Chapter 73-128 or the treasurer of a political committee organized under Pub. L. 92-225.

Political Committees - Scope of Definition - Issued 11/21/73

Robert L. Shevin concluded that an individual or group of persons organized to hold or sponsor a testimonial affair pursuant to Section 99.193, Florida Statutes, in the honor of a person who holds, or is or was a candidate for nomination or election to, a political office is not a "political committee" as defined in §1(2), Chapter 73-128, Laws of Florida, and is not required to register as a political committee with the Division of Elections pursuant to Section 3, Chapter 73-128, Laws of Florida.

Polling Places - Availability of Poll Lists - Issued 10/19/74

A poll list kept by the Election Board at the polling place on the day of election is not available for inspection and copying by the public. Upon the transmission of the poll list and the registration books to the supervisor of Elections following an election, such records in the custody of the supervisor are subject to public inspection as provided in the Election Laws and the Public Records Law.

## STATE ATTORNEY GENERAL OPINIONS CONT'D

Illinois - Attorney General William J. Scott

Registration - Woman's Surname - Issued 2/13/74

The opinion considered whether a woman who marries but retains her maiden name without adopting the marriage name must re-register for election. It was concluded that if a woman exclusively and consistently, and nonfraudulently uses her maiden name after her marriage, she is not required to register anew.

Indiana - Attorney General Theodore L. Sendak

Campaign Financing - Election Expenditures - Issued 9/13/73

In this opinion, it was concluded that §29-5705 of Burns' Indiana Statutes Annotated, which places monetary limits on the amount of money which candidates for public office may themselves spend on election expenses, appears to limit the amount of money which a candidate expends in his election campaign and does not apply to a committee or committees set up in behalf of the candidate. The opinion noted that the first part of the law appears to limit a candidate to the total specified dollar expenses for either a primary election or a general election or both and that the other sections of the law require that both candidates and their committees must comply with the various reporting and filing requirements (§29-5701 et seq.). It is pointed out that §29-5706 sets out specific dollar limitations on candidates' political expenses and then virtually nullifies the law as to dollar limitations by including a proviso which excludes most of the categories of campaign expenses from the dollar limitations.

Candidates - Age - Issued 3/19/74

Attorney General Theodore L. Sendak concluded that the United States Constitution and the Indiana Constitution and statutes require that persons holding public office must meet the minimum age requirement for that particular office the same as those that existed prior to the ratification of the Twenty-Sixth Amendment, whether specified by the Indiana Constitution or by statute. The Twenty-Sixth Amendment to the United States Constitution only lowers the voting age to 18 and does not in any way alter the clear language of the Indiana Constitution and statutes that require persons who hold various public offices to be at least 21 years of age. To change the office-holding



STATE ATTORNEY GENERAL OPINIONS CONT'D

minimum age requirements of the various public offices would require explicit amendments to the United States and Indiana Constitutions and the Indiana Statutes.

Political Parties - Placement of Candidates on Ballots -  
Issued 10/11/78

This opinion considered the meaning of §3-1-11-1 of Burns' Indiana Statutes Annotated which provides a basis for determining whether a party's candidate will automatically be placed on the ballot or whether that candidate must petition in order to get his or name so placed. The statute states that: "The state election board shall cause to be printed on the respective ballots the names of the candidates nominated by the convention of any party that casts one-half of one percent of the total vote of the state of all parties at the last preceding general election...."

The statute is silent on which office or offices should be the measure in determining one-half of one percent of the total vote cast. It was noted that a number of other statutes use the vote for the office of secretary of state as the basis for determining percentages of the vote cast in a general election. Consequently, because of the many references to the total vote cast for the office of secretary of state in the last preceding general election, the standard for eligibility of one-half of one percent should be determined by the vote cast for the office of secretary of state when it occurs, which is every four years.

Iowa - Attorney General Richard C. Turner

Campaign Financing - Income Tax Check-off - Issued 5/31/74

It was concluded that, where a taxpayer on his income tax return checks the boxes to contribute one dollar to both the Democratic and Republican parties, the director is not permitted to allocate 50 cents to each party. And in this situation there is not contribution to either party.

## STATE ATTORNEY GENERAL OPINIONS CONT'D

Kansas - Attorney General Vern Miller

Independent Candidates - Nomination Papers - Signatures - Issued  
5/29/74

It was concluded that the Kansas statutory scheme (Kansas Statutes Annotated §25-303), which requires that nomination papers for independent candidates for a district less than the state be signed by at least 5% of the voters of the area and that nomination papers for independent candidates for state-wide office be signed by at least 2,500 voters, evidences no discriminatory treatment of independent candidates as such. Because of the statute, a candidate for election as representative of the First Congressional District was required to obtain 9,162 signatures, whereas only 2,500 signatures were required for an independent nomination for state-wide office.

The opinion noted that "Statutes create many classifications which do not deny equal protection; it is only invidious discrimination which offends the Constitution." (See American Party of Texas v. White, 415 U.S. \_\_\_\_\_ (1974), docket number 72-887, decided 3/26/74). The differing requirements do not reflect any effort to discriminate against independent candidates as such and thus are not unconstitutional.

Louisiana - Attorney General William J. Guste, Jr.

Candidates - Filing of Nomination Papers - Issued 8/20/74

In this opinion it was held that under §18:309 of the Revised Statutes of Louisiana of 1950 a candidate need not appear in person to file his notification of candidacy. However, §18:309 does require a candidate to make certain declarations under oath, which precludes someone else from qualifying for him.

Thus, while a candidate does not have to appear in person to file the notification of candidacy, he must prepare one along with the required declarations under oath and cause them to be timely filed.

Nominating Petitions - Ballot Designation of Independent  
s - Issued 9/5/74

This opinion considered the legality and timeliness of nomination papers filed by an independent candidate for Associate Justice of the

## STATE ATTORNEY GENERAL OPINIONS CONT'D

Louisiana Supreme Court. It held that these were legal and timely within the requisites and guidelines of §624 of Title 18 of the Revised Statutes of Louisiana of 1950, notwithstanding the fact that Act 337 of 1974 (relating to filing deadline) is not effective until approved by the United States Department of Justice pursuant to the Voting Rights Act of 1965.

The opinion also noted that the political designation of the candidate for use on the ballot was listed as "Independent." Since the candidate was not seeking party recognition for a new "Independent Party," the ballot should reflect the words "Nomination Paper" or the abbreviation "Nom. Paper" after the "Independent" designation.

Candidates - Party Affiliation - Issued 2/7/74

In this opinion it was concluded that an individual who is not a qualified elector of a party cannot be a candidate in a party primary. It was noted that §18:270.204 of the Revised Statutes provides that a change of affiliation in a voter's registration shall not permit the registrant to vote in any primary held by a political party to which he has changed within six months of the date of the change. Also, in Sciambra v. Orleans Parish Republican Executive Committee, 69 So. 2d 171, it was held that a voter who was not registered as a party member for more than six months preceeding the date of the primary election was disqualified both to vote and to be a candidate in such party primary.

Candidates - Qualification Period - Publication Requirements -  
Issued 9/11/74

A Parish Democratic Executive Committee met and set the qualifying period for school board membership. The minutes of the meeting were posted on the courthouse door and published in two daily newspapers having general circulation, but not in the paper having the widest circulation, since it was a weekly and had gone to press on the day of the meeting. They asked for a ruling on the legality of this procedure.

The Attorney General found no legal requirement under §18:298 of the Louisiana Revised Statutes of 1950 that the minutes be published at all. The Secretary of State's office recommends that a copy of the minutes be filed with that office and also published in a newspaper of general circulation, but this is not required by the election laws.

STATE ATTORNEY GENERAL OPINIONS CCNT'D

Candidates - Time of Filing - Issued 8/6/74

In this opinion it was held that where an act provides a change in time for persons to qualify as independent candidates, the act must be submitted to the U.S. Attorney General pursuant of the Voting Rights Act of 1965. The Act invovd was Act 337 of 1974.

Criminal Offenders - Right To Vote - Issued 5/28/74

This opinion concluded that when a court suspends imposition of a sentence for a felony conviction, the person so suspended is deprived of the right to vote. It was also noted that the clerk of the court should treat such a proceeding as a sentence and deliver the name of the convicted felon to the registrar of voters since the person has been convicted of a crime punishable in the penitentiary. And, upon the basis of Cardon v. Dautrive, 264 So. 2d 806 (La. App. 4th Cir. 1972), writ refused, 262 La. 968, 265 So. 2d 240, the franchise has been lost upon conviction, regardless of whether the conviction is later set aside or not; consequently the defendant must take some affirmative action in the nature of a request for a pardon in order to have the franchise restored.

Independent Candidates - Nomination Papers - Issued 4/30/74

It was concluded that a voter may not sign nomination papers for an independent candidate if he is affiliated with a political party at the time that he signs and that the voter may not sign such papers if he participated in a party primary for the same general election before he changed to an independent status. (See Revised Statutes 18:365 and 624B). In other words a voter cannot sign the nomination papers of an independent candidate if he has participated in a party primary election, and a registrar cannot certify the name of a signer who has a party affiliation at the time that he signs.

Party Affiliation - Change - Waiting Period - Issued 2/27/74

Attorney General Guste concluded that a voter may not circumvent the six month waiting period required whenever a person changes party affiliation by either switching from a party affiliation to independent and then to a new party or by cancelling his registration and attempting to reregister with a new party affiliation. (See Revised Statutes 18:270, 204)

## STATE ATTORNEY GENERAL OPINIONS CONT'D

Polling Places - Liability for Injuries or Accidents - Issued 9/6/74

This opinion noted that the State of Louisiana does not presently provide liability insurance at voting precincts, although it is free to do so. The State or local government or both may be legally liable for injuries or accidents occurring on election day at a voting precinct in either a state-wide or parish election, if the mishap occurred as a result of negligence on the part of the State or local government or their employees acting within the scope of their employment.

Primary Elections - Tie Votes - Issued 8/20/74

This opinion considered the procedures to be followed when a tie vote is recorded in the first primary election, in this instance for the office of school board member. The Attorney General could find no statutory provisions for selecting a candidate where the first primary ends in a tie. However, he felt that in the absence of direct statutory authority, Revised Statutes, §18:285(9), placing control of political parties in these elections in the hands of the parish committee, should control. Therefore, in school board elections the appropriate Parish Executive Committee of the party involved has the discretion to decide how the tie should be broken.

Primary Elections - Withdrawal of Candidate - Issued 8/23/74

This opinion concerned the effect of the withdrawal of one of the two candidates who received the highest number of votes in the primary election and who was thus entitled to a runoff. It noted that under §18:358(f) of the Revised Statutes of Louisiana of 1950, if one of the two persons receiving the highest number of votes for an office dies, is disqualified, or for any reason declines to continue his candidacy, the other candidate shall be declared the nominee.

Public Officials - Multiple Offices - Issued 8/26/74

The Mayor of Lake Providence, Louisiana, was appointed President of the Board of Supervisors of Elections of East Carroll Parish and inquired as to whether he could hold both positions simultaneously. The Attorney General noted that both Revised Statutes 14:137 and Revised Statutes 14:31 prohibit the simultaneous holding of any office or position of profit by one who is employed in one of the three departments of state government; however, the two offices in question are not in any of the departments of state as defined by the Constitution. Thus, there is no conflict in holding both positions simultaneously.

## STATE ATTORNEY GENERAL OPINIONS CONT'D

Qualification to Vote - Ex-Felons - Issued 8/9/74

This opinion discussed the right of persons convicted of a felony to vote or hold office in Louisiana. It noted that under the U.S. Supreme Court case of Richardson v. Ramirez, U.S. (decided 6/24/74), individual states can disenfranchise felons. Under Article 8, §6 of the Louisiana Constitution, those convicted of a felony in another state were permitted to vote or hold office. However, until an amendment to this Constitution was approved November 5, 1968, those who had been convicted of a felony in another state were permitted to vote and hold office in Louisiana. Thus, under the ex post facto doctrine, those with the right to vote and hold office at the time this amendment was adopted may continue to do so.

Qualifications To Vote - Political Party Affiliation - Issued 2/7/74

This opinion concluded that §270.204 of Title 18 of the Louisiana Revised Statutes is constitutional and should be enforced. §270.204 prevents persons who change their political party affiliations from voting in party primaries for a period of six (6) months.

The provisions of §270.204 were challenged and upheld in Fontham v. McKeithen, 336 F. Supp. 153 (1971). However, this case was overruled in part by Dunn v. Blumstein, 405 U.S. 330 (1972) which struck down the one year residency requirement as unconstitutional. In Rosario v. Rockefeller, 410 U.S. 752 (1973), the Supreme Court of the United States held a law providing for an eight or eleven month suspension of voter eligibility upon change of party affiliation was not invalid on a theory of violation of the equal protection and due process clauses of the Constitution.

Accordingly, in light of the Rosario case, it was concluded that the six month suspension of voter eligibility after a change of party affiliation is not unconstitutional in Louisiana.

Registration - Military Personnel - Issued 6/20/74

Based on the recent Supreme Court decisions of Dunn v. Blumstein, 405 U.S. 330 (1972) and Carrington v. Rash, 380 U.S. 89 (1965), it was concluded that military personnel may register up until thirty days before an election, without concern for any other waiting period, if they are bona fide residents of the state or locality, if they swear or affirm they are bona fide residents of the place involved, and if they register thirty days before the election involved.

STATE ATTORNEY GENERAL OPINIONS CONT'D

Residence Requirements - Issued 4/25/74

In deciding whether voters who have moved from one precinct to another within a municipality may transfer their registration between the first and second primary, this opinion found that a transfer is not a new registration for purposes of the thirty day closing period required by Louisiana Constitution Article VIII, §16.

Also, this opinion considered whether single women who reside on weekends and holidays in their parents homes, but who work elsewhere, may be registered in the precinct where their parents reside. The opinion asserted that until they declare or establish a new bona fide residence, they may continue to use their family home as their residence for voter registration.

Also, this opinion considered the question whether a serviceman on active duty and his spouse may continue to vote in the precinct in which they properly registered before entering the service and found that the Louisiana Constitution Article VIII, §11, permits this for servicemen and, since a wife's residence is that of her husband, she may continue to vote in the same precinct.

Write-in Candidates - Procedures and Eligibility - Issued 9/19/74

In this opinion it was held that the requirement of 100 signatures on a petition by a write-in candidate for municipal office under §18:732B of the Revised Statutes of Louisiana of 1950 is mandatory. Thus, where there are fewer than 100 electors in a village, it is impossible to qualify as a write-in.

Also, the requirement of nonparticipation in a past primary applies only to the first primary, as the affidavits must be filed on or before the date of the second primary.

Maryland - Attorney General Francis B. Burch

Campaign Financing - Contributions by Individuals and Business Entities - Issued 7/22/74

This opinion discussed the \$2,500 campaign contribution limitation set forth in Article 33, §26-9(b) of the Maryland Annotated Code, holding that a business entity and its principals may each contribute

## STATE ATTORNEY GENERAL OPINIONS CONT'D

up to the maximum permitted unless it can be shown that the business entity involved was fraudulently established for the purpose of evading campaign financing laws.

The opinion noted that partnerships and corporations are legal entities separate and distinct from their officers, directors, and partners; and, absent statutory mandate, the acts of one cannot invariably be attributed to another. Had the legislature intended this result, it could have said so more clearly; since it did not, the opposite construction should be applied.

Campaign Financing - Permissible Fund Raising Activities - Issued 1/28/74

This opinion considered the legality of various fund raising activities under contemplation by a candidate for Prince Georges County Sheriff. Although traditional dinners and dinner/dances were approved, it was pointed out that §255 of Article 27 of the Maryland Code permits "any bona fide fraternal, civic, war veterans', religious or charitable organization or corporation" [in Prince Georges County] to hold bazaars, carnivals and raffles, so long as no individual benefits financially from them. Since only "organizations" or "groups of citizens" are exempted from the general ban on such activities, an individual candidate must refrain from them. Also, groups or organizations involved in his behalf would be characterized as "political" rather than those categories listed above. Therefore, any such activities are proscribed by the "Gaming" statutes, Article 27, §§237 et seq.

Fair Election Practices - Contributions to and Expenditures by Candidates Unopposed at Primary Election - Issued 8/28/74

This opinion discussed how the limitations on a candidate's personal campaign expenditures set forth in §26-8 of Article 33 of the Maryland Annotated Code would apply to a candidate who is unopposed in a primary election. This section permits a given amount to be contributed in the primary and again in the general election.



## STATE ATTORNEY GENERAL OPINIONS CONT'D

Fair Election Practices - Contributions to and Expenditures by Candidates Unopposed at Primary Election - Issued 8/28/74

This opinion discussed how the limitation on a candidate's personal campaign expenditures set forth in §26-8 of Article 33 of the Maryland Annotated Code would apply to a candidate who is unopposed in a primary election. This section permits a given amount to be contributed in the primary and again in the general election.

Mr. Burch noted that at some point in a primary campaign it would become clear to the candidate that he would be unopposed on the ballot - i.e., if no other candidate filed for the office, or if those who did file withdrew or died before the ballots were printed. He stated that contributions prior to this time should count towards the primary limitation, while those afterwards should apply to the general election limitation.

Fair Election Practices Act - Issued 8/6/74

1. Treatment of various organizations as political committees - In discussing what constitutes a partisan organization or political committee, it was noted that the purpose for which the group is formed is not material. What is material is whether the group actually "assists or attempts to assist in any manner" a candidate or cause which is the subject of a vote at an election, and this in turn depends on the purpose or intent of the group's activities and the purpose or expectation of those who provided the group with the funds used to engage in the activities. Also, another limitation on the scope of the terms committee and political committee lies in the provision of Section 26-9(a) that nothing contained in the Fair Election Practices Act is to be interpreted or applied so as to limit or affect the right of any person to volunteer his time or personal vehicle for transportation incident to any election" or to expend money for proper legal expenses in maintaining or contesting the results of an election.

In determining whether an organization which would constitute a committee by virtue of its having expended funds of an election would also constitute a political committee subject to the various requirements applicable to such organizations, it was found that the following conditions would have to be satisfied:

- a. The candidate supported or opposed by the group's activity would have to have announced his candidacy or filed his certificate of candidacy, or, in the case of a principal or proposition, the basic conditions for its appearing on the ballot

## STATE ATTORNEY GENERAL OPINIONS CONT'D

would have to have been satisfied (e. g., passage of proposed constitutional amendment by the General Assembly, filing of all required referendum petitions, etc.).

- b. The committee or organization would then have to act in some way, either by transferring or contributing funds or by engaging in some activity involving the expenditure of its funds, which is either intended to, or could be reasonably expected to, or in fact does, "assist in any manner the promotion of the success or defeat of any candidate, candidates, political party, principle or proposition submitted to a vote at any election."

2. Receipts for tickets - Under section 26-7 of the Annotated Code of Maryland pertaining to the purchase of tickets and requiring the furnishing of a receipt and the itemized disclosure of the purchase, it was not clear whether such requirement would apply separately with respect to each individual function or apply cumulatively with respect to tickets purchased for several different functions held for the same candidate or candidates. The Attorney General opinion concluded that the provisions of section 26-7 do not alter the obligation of a treasurer or subtreasurer to furnish a campaign contribution receipt in connection with any ticket purchase regardless of the amount involved, if the purchaser asks that a receipt be issued. Furthermore, in addition to the cumulative ticket purchase requirements, individual ticket sales where a single ticket is purchased for \$51.00 or more must be receipted and reported. All of these requirements clearly apply to ticket purchases, as well as to conventional contributions made by cash or check or otherwise.

3. Loans by candidates to their own campaigns - An inquiry was made whether the provisions of section 26-8 of the Annotated Code of Maryland (establishing limits on expenditures by the candidate himself) preclude his lending funds in excess of the stated expenditure limitations, either to his own treasurer or a subtreasurer or to a campaign committee or other group or person for the purpose of supporting his candidacy. It was concluded that the amounts of any loans made by a candidate or his spouse which are at the time outstanding must be included at the outstanding principal amount of the loan for purposes of computing whether the maximum limitations have been exceeded. While there may be some questions as to how loans would be treated generally in determining whether and at what time and in what amount they may represent a contribution (as defined in section 1-1(a)(5)), section 26-8 is not restricted in its applicability to contributions as such.

## STATE ATTORNEY GENERAL OPINIONS CONT'D

4. \$2500 limitation on contributions - An inquiry was made whether the \$2500 campaign contribution limitation specified in section 26-9(b) of the Annotated Code of Maryland imposed a cumulative limitation as to all contributions to all candidates for all offices in a given election (primary or general) or whether the limitation applies separately to the entire group of candidates running for each particular office. This question was previously answered by a former opinion (53 Opinions of the Attorney General 219 (1968)), which asserted:

"We view §26-9(b) as authorizing a maximum contribution of \$2500.00 for each election... If the Legislature wanted to limit contributions to a maximum expenditure of \$2500.00 for both elections combined, it could certainly have done so expressly."

"... We are of the opinion that §26-9(b) places a maximum contribution limit of \$2500.00 for each contributor in each election... It is important to note that §26-9(b) now imposes the limit on the contributor for the particular election, and not on the contributor with respect to a particular recipient. Therefore, a contributor may not contribute any more than \$2500.00 in each election even if he desires to contribute to various candidates who may or may not be opposing each other. Of course, a contributor may divide his maximum contribution in any manner he sees fit." (Emphasis added).

5. Applicability of \$2500 contribution limitation to political committees, etc. - It was concluded that no organization which qualifies and files with the appropriate election board as a partisan organization or political committee is subject to the \$2500 limitation. All such organizations are required to appoint and constantly maintain a chairman and a treasurer and to file their names and residence addresses with the appropriate election board. Pursuant to section 26-9(a), all contributions must be made either to a treasurer of a political committee (including partisan organizations) or to the treasurer or subtreasurer of a candidate, or to the candidate himself. It is clear that such organizations are recipients of contributions and are not themselves contributors and that, accordingly, they are not subject to the \$2500 limitation in turning over their funds in a given election to a candidate (or his treasurer or one of his subtreasurers) or to another political committee's treasurer a transfer of \$5,000. It is true that at that time the contribution limitation of section 26-9(b) did not apply to contributions from "any other entity," but we believe that the political committee itself would not constitute a contributor since all it is doing

## STATE ATTORNEY GENERAL OPINIONS CONT'D

is passing on the contributions of others. Of course, each of the persons or organizations contributing to the political committee would themselves be fully subject to the \$2500 limitation. See 55 Opinions of the Attorney General 100, 103, fn. 1 (1970).

6. Contributions for referendum drives and campaigns relative to questions on the ballot - This Opinion concluded that contributions made in connection with a referendum petition drive or other effort designed to place a principle or proposition on the ballot should not be included for purposes of applying the \$2500 limitation since such payments are made at a time when it is not known whether the principle or proposition will be on the ballot and will be contested at an election.

### Filing Fees - Indigent Candidates - Issued 5/24/74

In this opinion it was held that under Lubin v. Panish, 42 L.W. 4435 (decided 3/26/74), Maryland's mandatory filing fees were invalid as depriving the right of indigent candidates to run for office. Although Maryland's fees are much more reasonable than those under discussion in Lubin, ranging from \$10 to \$290, the Supreme Court indicated that a fee as small as \$1.00 might unjustifiably bar a candidate from the ballot. Therefore, those candidates establishing a genuine inability to pay the Maryland filing fees should not be required to do so.

Deputy Attorney General Norman Polovoy

### Fund Raising Events - Admissions Tax - Issued 8/14/74

This opinion considered the applicability of §402 of Article 81, the Maryland revenue and Tax Code, to a Four Star Salute fund raising affair held in May 1973. This section provides for an admissions and amusement tax to be levied on gross receipts "from the amounts charged for (1) admission to any place, whether the admission be by single ticket, season ticket or subscription, including a cover charge for seats or tables at any roof garden, cabaret or other similar place where there is furnished a performance, if payment of the amounts entitles the patron thereof to be present during any portion of the performance." However, it then exempts from the admissions tax all such affairs at which no live music is provided.

## STATE ATTORNEY GENERAL OPINIONS CONT'D

The Chief of the Admissions Tax Division attended this event and sent no bill for the tax, saying he had determined at the time that there was no live music and thus §402 did not apply. However, it was later reported that two organists had been hired at a cost of \$130 to play at the affair and that they had in fact done so. The Maryland Comptroller then asked the Attorney General's office to determine if this tax should be collected.

Polovoy and Oster noted the "singular incongruity" that an expenditure of \$130 for two organists could generate a tax that might run over \$80,000. However, in view of the "consistent, long continued, unvarying administrative practice" which exists in this area, and in view of the fact that §402 in no way defines "live music," they felt constrained to conclude that the tax should be billed. They noted there would be adequate legal avenues open to the Treasurer of the Four Star Salute to challenge the bill after it had been rendered.

Montana - Attorney General Robert L. Woodahl

Federal Elections - General and Primary - Issued 11/20/73

Attorney General Woodahl concluded that a general election for the members of the United States House of Representatives and members of the United States Senate is a federal election and that a primary election for nomination of candidates for the offices of United States Senator and United States Representative is also a federal election.

The opinion was influenced by the following: (1) the case of Jay v. School District No. 1, 24 Mont. 219, 61 Pac. 250 (1900), which defines an election as "a general, special, primary nominating, municipal election, or an election in a school district;" (2) the definition of federal as defined by Black's Law Dictionary, Revised Fourth

Edition (1968), p. 740, which is, "Belonging to the general government or union of States. Founded on or organized under the Constitution of the United States;" and (3) the case of Steele v. Perry County, 299 Ky. 827, 187 S.W. 2d 302 (1945), in which a local option election adopting prohibition was challenged on the grounds that it was a federal election and that absentee ballots required by statute for such elections had not been provided by local election officials. The Court ruled that the statute referred to applied solely to any election for electors of President and Vice President of the United States, and United States Senators and Representatives in Congress.

## STATE ATTORNEY GENERAL OPINIONS CONT'D

Nevada - Attorney General Robert List

Hatch Act - Political Activities of Local Government Employees -  
Opinion #171 - Issued 7/19/74

The City Attorney of Las Vegas inquired as to the legality of the candidacies of various Las Vegas county and city employees, including several Civil Service employees of the Las Vegas Metropolitan Police Department, who had or were about to file for county and state offices.

In his Opinion, Attorney General List noted that local government employees are regulated by the Federal Hatch Act if their principal employment is in connection with an activity which is in whole or in part financed by the Federal Government. Since Las Vegas receives federal revenue sharing monies as well as many other federal assistance grants, its employees fall under this classification.

Following the reasoning in a letter sent to the Maryland Attorney General by the General Counsel of the Civil Service Commission, Mr. List ruled that local government employees affected by the Hatch Act may not run for a partisan political office unless they are completely terminated from their employment. Therefore, running for office while on annual leave, leave without pay, furlough or leave of absence is prohibited. Along these same lines, it is obvious that a local government employee cannot remain employed if he is elected and serves in his elective capacity.

Mr. List distinguished this opinion from Opinion #168, issued 5/22/74, in which he had ruled that a State Highway Patrol Regulation prohibiting patrol members from being candidates for public office violated the First and Fourteenth Amendments. That Opinion noted that the Highway Patrol was funded primarily with state appropriated monies, and, therefore, its members are not subject to the Hatch Act.

New Mexico - Attorney General David L. Norvell

Candidates - Nominating Petitions - Filing Officers - Issued 3/27/74

It was concluded that a filing officer charged with the duty of accepting nominating petitions pursuant to the Primary Election Law cannot use discretion in accepting or rejecting nominating petitions

## STATE ATTORNEY GENERAL OPINIONS CONT'D

unless the petition form is not in substantial compliance with the requirements of the law or the form is incomplete. According to the opinion, election officials in New Mexico perform ministerial duties only, and normally lack the right to exercise discretion in the performance of their duties.

North Dakota - Attorney General Allen I. Olson

Candidates - State Senators - Re-election - Issued 2/21/74

Attorney General Olson ruled that Senators elected to four-year terms in 1972 do not have to face re-election in 1974. This opinion was given in response to a request by the Secretary of State Ben Meier following the issuance of a reapportionment order for North Dakota by a three-judge federal court. Under the Court-drafted plan, the election of 51 Senators in 38 districts is staggered between even- and odd-numbered districts with about half the Senate up for re-election every two years.

Rhode Island - Attorney General Richard J. Israel

Primary Elections - Voting for Candidates of More than One Political Party - Issued 8/5/74

It was concluded that voters may not vote for candidates of more than one political party during the primary election. It was noted that a provision of the election law makes it a criminal offense for any person to vote or attempt to vote more than once at any primary election. (General Laws of Rhode Island, §17-15-24 (1956) (Renactment of 1969)). The Opinion asserted that the primary election law which requires both political parties to conduct their primaries on the same day rendered their primaries part of a single primary election. It was pointed out that, although for twelve years prior to 1961 the primary elections of the respective parties held on separate days might have been considered separated elections, the same day primary law changed all of that to make all party primaries part of a single primary election.

## STATE ATTORNEY GENERAL OPINIONS CONT'D

Virginia - Attorney General Andrew P. Miller

Residence Requirements - Change of Residence - Issued 4/10/74

In this opinion it was stated that an individual is qualified to be registered and cast his vote only where he resides. Residence requires not only domicile but also a place of abode. Accordingly, it is the duty of the general registrar to ensure that all registered voters are in fact qualified voters. If such voter is not in the jurisdiction where he is registered to vote, the general registrar shall notify such voter of the voter's duty to transfer to the election district of his residence, and, if such voter fails to comply with the law, the voter's name shall be removed by purge. (See §§24.1-47, 24.1-46 (8), and 24.1-61 of the Code of Virginia.

Residence Requirements - Civilians Abroad - Issued 3/7/74

It was noted in this opinion that Article II, Section 1, of the Constitution of Virginia states that residency in the Commonwealth is a prerequisite to vote. Such a requirement, as distinct from a durational residency requirement, is valid. Dunn v. Blumstein, 405 U.S. 330 (1972). The Commonwealth has "the power to require that voters be bona fide residents of the relevant political subdivision," 405 U.S. at 343. Article II, Section 1, of the Constitution ensures individuals are "bona fide" voters by defining residency as both "domicile and a place of abode." This was necessary to alleviate some of the abuses found previously to exist.

Consequently, the "place of abode" requirement could be constructively applied to servicemen "...involuntarily absent from their homes while on active duty....," but would not be applicable to civilians.

Residence Requirements - To Vote - Issued 1/25/74

Attorney General Miller concluded that a person will not be permitted to vote in an election in the precinct from which he has moved if a period of more than thirty days has elapsed. The only way a person who moves more than thirty days prior to an election will be permitted to vote in the precinct from which he moved is by an amendment to the State Constitution and Section 24.1-41.



## STATE ATTORNEY GENERAL OPINIONS CONT'D

The opinion was influenced by Section 24, 1-41 of the Code of Virginia which states: "A person who is qualified to vote except for having moved his residence from one precinct to another fewer than thirty days prior to an election may in any such election vote in the precinct from which he has moved."

Washington - Attorney General Slade Gorton

Campaign Financing - Filing Fees as Reportable Expenditures -  
Issued 7/20/74

In this opinion it was held that filing fees are reportable expenditures under Initiative No. 276, approved by the voters of the state on November 8, 1973. The opinion noted the term "expenditure" as defined in §42.17.020 (12) of the Revised Code of Washington includes any transfer or payment of any thing of value which is made for the purpose of assisting a public official or candidate in furthering his election campaign. The filing fee is a necessary part of the candidate's financial outlay if he is to have his name appear on the ballot, so the payment is clearly a transfer of something of value which is for the purpose of assisting the candidate and furthering his campaign. Thus, it must be reported under the terms of Initiative No. 276.

Filing Fees - Indigent Candidates - Issued 6/28/74

In this opinion it was held that in view of the U. S. Supreme Court decision in Lubin v. Panish, 415 U.S. 709 (Docket No. 71-6852, decided 3/26/74), the filing fee requirements of §29.18.050 of the Revised Code of Washington are no longer constitutionally enforceable with respect to candidates who wish to file for public office but who are unable to pay the filing fees prescribed by that statute. Attorney General Gorton noted that, unlike the California statute invalidated in the Lubin case, under Washington law a write-in candidate need not pay a filing fee. However, although the Supreme Court had not directly ruled on this point, it was felt that a write-in candidacy without a fee would not constitute an acceptable alternative for access to the ballot when compared with the advantage of having one's name actually printed on the ballot. The fees in question ranged from \$1.00 for a precinct office without salary to 1% of the annual salary of any office paying more than \$1,000 per year.

STATE ATTORNEY GENERAL OPINIONS CONT'D

Filing Fees - State Legislature - Issued 7/23/74

This opinion considered the proper filing fee for a candidate to the state legislature, the salary for which position was scheduled to rise from \$3,600 to \$3,800 per annum at the start of the next legislative session. §29.18.050 of the Revised Code of Washington sets the filing fee as 1% of the annual salary of each office paying over \$1,000 per annum. The Attorney General noted that the Legislature was not in session; it was not likely to be called back into session; and even if it were, there was little likelihood the salary would be changed. Therefore, he concluded, "It must be considered all but a verity that the higher salary will be received by those who assume legislative office in January 1975," and this figure should properly be the basis for the filing fee.

The following laws were received too late for inclusion in the regular state session law survey:

## LOUISIANA

HB 7-x, Act 8, Approved 11/5/74

Establishes procedures for electing the employee member of the State Civil Service Commission. Amends Title 42 of the Louisiana Revised Statutes of 1950 by adding a new Chapter 19, consisting of Revised Statutes 42:1351 through 42: 1359.

## MASSACHUSETTS

HH 5300, Chapter 859, Approved 12/5/74

Creates a corrupt practices commission and strengthens the laws relating to campaign expenditures and contributions. Amends various sections of Chapter 55 and adds new sections 17B, 17C, 39, 40, 41, 42, and 43.

Corrupt Practices Commission: Establishes a 5 member corrupt practices commission, to be appointed by the governor, including at least one attorney and one certified public accountant, with not more than 3 members to be from the same political party. Provides that each member shall serve a 5 year term, with the first appointees serving staggered terms, without compensation other than reimbursement for expenses incurred. Provides for an executive director and such staff as might be needed, all exempt from the Massachusetts civil service law.

Grants the commission broad powers to investigate, at the request of any person or on its own motion, any conduct of any person in connection with any federal, state or certain designated local elections. Requires it to notify the attorney general should it appear that any violation(s) of federal or state corrupt practices laws have occurred. Sets forth further actions that may be taken by the attorney general in the event of any such violation(s).

Campaign Expenditures Amendments: Requires all receipts, expenditures, and disbursements over \$25 to be by check upon the personal bank account of the person making the contribution or the personal bank account of the candidate or his committee in the case of expenditures and disbursements. Requires all vouchers, receipts,

MASSACHUSETTS CONT'D

and check stubs to be preserved for four years after the date of the pertinent election, with failure to preserve prima facie evidence of a corrupt practice.

Cash Contributions: Makes it a corrupt practice to make or receive a cash contribution in excess of \$25.

Political Committees: Limits each candidate to one political committee. Deletes the former provisions stating that a political committee might contribute to other political committees and contribute to the personal fund of a candidate.

Coverage: Expands applicability of campaign media expenses laws to include governor's councillors, state senators, representatives to the general court, district attorneys, clerks of the court, registers of probate and insolvency, registers of deeds, county commissioners, county treasurers and sheriffs.

Campaign Media Expenses: Expands definition of these expenses to include money paid for advertising agencies, public relations firms, printing, opinion polling, computers, telephones, and telegraphs. Limits these expenditures for district attorneys, clerks of court, registers of probate and insolvency, registers of deeds, county commissioners, county treasurers, and sheriffs to 7 cent per resident of the respective electoral districts. Permits this amount to be spent in the primary and again in the general election.

Media Responsibilities: Requires all persons, firms, and corporations involved in providing media services to the candidate, as defined in Chapter 55, Section 17A, to file with the secretary of the commonwealth on the 5th and 20th of each month a report of accounts receivable or payments made in connection with any campaign. Requires the secretary of the commonwealth to maintain these for a period of 4 years.

Campaign Financing Statements: Requires each covered candidate within 7 days of candidacy or 7 days after filing his petition of candidacy, whichever is earlier, to file with the secretary of the commonwealth a full statement of all receipts and campaign expenses from the date of the last election to such office to the date such declaration or filing.

## MASSACHUSETTS CONT'D

Penalties: Sets forth various penalties for violation of the corrupt practice and campaign financing and filing laws, basically a fine of not more than \$10,000 and/or imprisonment of not more than one year for individuals; and a fine of not over \$50,000, for corporations, and not over \$10,000 and/or imprisonment for not more than one year for individuals involved in corporate violations.

## MICHIGAN

HB 5565, Public Act 378, Approved 12/23/74

Relates to the "odd year primary election," which is ordinarily held on the Tuesday following the first Monday in August of each odd numbered year. Permits a city to provide by ordinance adopted not less than 7 months preceding the date of any such regularly scheduled election that it be held on the Tuesday following the second Monday in September. Amends §644b of the Michigan Election Code (§168.644b of the Michigan Compiled Laws of 1970).

## WISCONSIN

SB 922, Chapter 339, Approved 11/22/74

Revisor's Correction Bill repealing and recreating §§10.62 to 10.82 of the Wisconsin Statutes, relating to correction of election occurrences listings.

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